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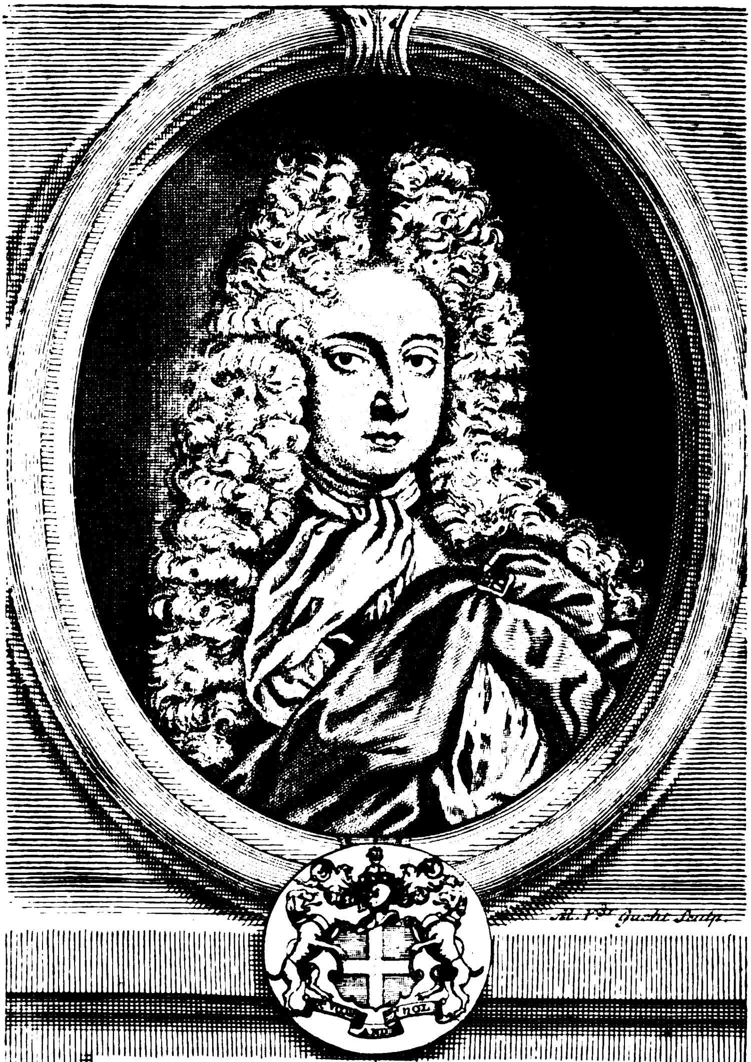
M. Vdr Gucht Sculp.

The true Effigies of the Author, taken from an Original Painting of Mr. Joseph Brook, of St. Edmunds Bury in the County of Suffolk, Painter, with his Single Coat of Arms truly Emblazon'd

AN

Hiſtorical and Critical ESSAY ON THE TRUE RISE OF NOBILITY, *Political* and *Civil*;

FROM

The Firſt Ages of the World, thro' the *Jewiſh*, *Grecian*, *Roman* Commonwealths, *&c.* down to this preſent Time.

To which is annex'd,

The Order of Precedency; with other Curious Things: Chiefly extracted from a Valuable Manuſcript, writ by an Herald.

With a Compleat INDEX to the whole.

The SECOND EDITION, with large Additions.

Conamur Tenues Grandia. (Hor.)

The Firſt VOLUME.

LONDON:
Printed for the AUTHOR. MDCCXX.

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To my Much-honoured Friend,

THOMAS NORTON (1),

Of *Ixworth*, in the

County of *Suffolk*, Eſq;.

SIR,

'TIS not any Preſumption on the Merit of the following Sheets (the Fruits of ſome idle Hours) that draws upon you the trouble of this Addreſs; but the Right you have to the Patronage of whatever

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ever immediately relates to Polite Literature. And tho' this be a ſufficient Reaſon alone, yet I cannot deny, but I have an Ambition to teſtify my ſincere Reſpect and cordial Eſteem, by ſome fit and ſuitable Preſent, which I can only wiſh I had made worthy of your Acceptance.

THEY contain Notions peculiarly adapted to the Studies of Men of Quality and Knowledge, and are properly Rules to confine every Man to his Center, and circumſcribe him within his own Limits. To whom therefore could I with greater Juſtice addreſs them, than to Your ſelf, in whom Antiquity of Deſcent, Affluence of all worldly Goods, and Perſonal Accompliſhments,

pliſhments, are ſo eminently and remarkably conſpicuous?

MEN and Angels are regularly diſpos'd by a Supreme and All-governing Power, there being ſeveral Hierarchies or Degrees eſtabliſh'd in Heaven (2), as well as upon Earth (3); for the great Architect of the Univerſe hath fram'd all Things in an incomparable Order, making Veſſels of Honour and Diſhonour, placing ſome in a ſupereminent Degree, whilſt others act in a ſubordinate Station; all conſpiring friendly in an univerſal Harmony, but diſtinguiſhing Order from each other. Beſides, read but the ſpangled Volume of Heaven (4), and there you'll find thoſe vaſt Celeſtial Luminaries differ from one another in their glorious and ſtupendious Magnitude.

DISTINCTION of Rank is highly neceſſary for the Oeconomy of the World, and was never call'd in queſtion but by Barbarians and Enthuſiaſts (5). A juſt Conſideration for the ſeveral Degrees of Men, as the Orders of Providence (6) hath plac'd them above us, is uſeful, not only to the correcting of our Manners, and keeping our common Converſation in the Bounds of Politeneſs and Civility, but has even a better Conſequence, in diſpoſing our Minds to a religious Humility; and in obſerving, Step by Step, the ſeveral Degrees of Excellency above us, we arrive inſenſibly at laſt to the

Contemplation of the Supreme Perfection.

IT has been ſaid, that Inequality of Condition is a Bar to Friendſhip; why then are not the Links of a Chain continu'd as well perpendicularly (7) as horizontally (8)? But if there cannot be what is call'd Friendſhip between a Great and a Private Man, there may be ſomething almoſt equivalent to it, whilſt there is Beneficence on one part, and Gratitude on the other. I need not quote the Conſtitutions of Civil Commonwealths, nor anatomize the Politick Body, in ſhewing its Analogy with the Natural; as how the Hand, Foot, and other Members in their ſeveral Duties perform their Allegiance to the Head.

MUCH more alſo might be ſaid in behalf of Order and Civil Diſtinctions: But fearing I have already too much diverted you from what may (probably) ſeem more agreeable and entertaining; and being conſcious of my Inability to entertain you as you deſerve, I ſhall not ſhew ſo much Vanity as to attempt it; nor give you any farther Trouble: Submitting what I have taken the Freedom to preſent, to the candid Interpretation and friendly Cenſure of your worthy ſelf; and reſt,

SIR,

Your moſt Affectionate

Humble Servant.

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NOTES
ON THE
DEDICATION.

(1) *NORTON.*] OF all Terminations of Sirnames, as are Words meerly belonging to our own ancient Language, and diſtinguiſh our ancient *Engliſh* Families from thoſe of *Norman*, &c. Extract, *Ton* is One of the Greateſt; and therefore of this, and theſe enſuing Others, may be ſaid,

> *In* foord, *in* ham, *in* ley, *and* tun,
> *The moſt of* Engliſh *Sirnames run.*

Tho' the Name of *Hedge* does antiently appertain to our Language, yet we alſo us'd ſometimes for the ſame thing, the Name of *Tun*: In the *Netherlands* they yet call it a *Tuyn*; nay, in ſome Parts of *England*, they will ſay Hedging and Tining. Our Anceſtors, in Time of War, to defend themſelves from being ſpoil'd, would (inſtead of Paliſadoe, as is now us'd) caſt a Ditch, and make a ſtrong Hedge about their Houſes; and the Houſes ſo environ'd about with Tunes or Hedges, got the Names of Tunes annex'd unto them. As *Cote-tun*, now *Cotton*, for that his Cote, or Houſe, was fenc'd or tun'd about. *North-tun*, now *Norton*, in regard of the oppoſite Scituation thereof to *South-tun*, now *Sutton*, &c. (Verſtegan's *Reſtitution of decay'd Intelligence.*)

But, introductory of this, *Verſtegan* deſires his Reader (as likewiſe I do mine) to conſider, that after our Anceſtors, the *Saxons* (of whoſe Race I take the Gentleman, to whom this Eſſay is Dedicated, to be deſcended) were come out of *Germany*, and had plac'd themſelves in *Britain*, they did change the Names (as in the 5th Chapter He hath ſhew'd) of the Cities, Towns, Caſtles, Villages, Paſſages, Fields, Foreſts, Waters, Hills and Dales, *&c.* unto the Names of like Places in *Germany*, or unto Names otherwiſe intelligible and apt in their own Tongue; and did alſo give Names (in like manner intelligible in their own Language) to all ſuch Towns, Caſtles, and Manour-Houſes, *&c.* as themſelves built and erected.

Now, as Men have always firſt given Names unto Places, ſo hath it afterwards grown uſual, that Men have taken their Names from Places; I mean their Sirnames; and this Cuſtom, albeit it was not of old Time generally us'd of all, yet grew it afterward to be us'd of all ſuch, or of the moſt part of ſuch, as grew unto continu'd Families; and firſt, and eſpecially in ſuch, as were the Owners of the Places, where themſelves inhabited; for that was held as a Thing of eſpecial Credit and Account; and ſuch Sirnames did remain unto thoſe that were iſſu'd from ſuch Places, tho' they poſſeſs'd them not, as all indeed could not continue to do, by reaſon of the great Increaſe of Poſterity: And this Cuſtom of taking Sirnames of Places, grew in time more uſual than the more Ancient Cuſtom us'd before, which was, of adding to a Man's proper Name, the proper Name of his Father, with putting Sonne unto it, expreſſing thereby whoſe Son He was; as in *Wales*, and among the Common People of *Holland*, it is yet the Uſe. Moreover, divers of our Anceſtors took their Sirnames by reaſon of their Abode in or near ſome Place of Note, where they ſettled themſelves, and planted their enſuing Families; as within Tunes (or Fenc'd Places) afterwards call'd Towns (*Id. ibid.*)

(2) *Heaven.*] The Name of Heaven (ſaith *Verſtegan* in that Chapter which particularly treats of the Antiquity and Propriety of the Ancient *Engliſh* Tongue) albeit it was of our Anceſtors written *Heofen*, yet carried it like Senſe or Signification as now it doth, being as much as to ſay Heaven, or heav'd up, to wit, the Place that is elevated. By Heaven (in this part of the Text) is meant the Empyrean Heaven, which *Peter Lombard*, the School-men, *Beda*, *Lyranus*, *Comeſtor*, *Toſtatus*, and others affirm, it pleas'd God firſt to create, and which at the ſuc-

ceeding Inſtant (ſay *Beda* and *Strabo*) He fill'd with Angels. (*Sir* Walter Rawleigh's *Hiſt. of the World.*)

(3) *Earth*] Our Anceſtors, the *Saxons*, call'd *Eorth.* By it is meant, whatſoever is under the Moon, and ſubject to Alteration. Corrupt Seeds bring forth Corrupt Plants, to which the Pure Heavens are not ſubject, tho' ſubject to periſhing. *They ſhall periſh* (ſaith *David*, *Pſal.* 102. 26.) *and the Heavens ſhall vaniſh away like Smoak* (ſaith *Eſay* 51.)

(4) *Heaven*] Here it denotes the Matter of all Heavenly Bodies and Natures, as the Orbs, Planets, *&c.*

(5) *Enthuſiaſts*] Are They who pretend to Inſpiration, Raviſhment of Spirit, and Divine Revelation.

(6) *Providence*] Which the *Greeks* call *Pronoia*, is an Intellectual Knowledge, both Fore-ſeeing, Caring for, and Ordering all Things, and doth not only behold All Paſt, All Preſent, and All to Come, but is the Cauſe of their ſo being; which Preſcience (ſimply taken) is not; and therefore Providence by the Philoſophers (ſaith St. *Auguſtin*) is divided into Memory, Knowledge, and Care; Memory of the Paſt; Knowledge of the Preſent; and Care of the Future: And we our ſelves Account ſuch a Man for Provident, as remembring Things Paſt, and obſerving Things Preſent, can by Judgment and Comparing the One with the Other, provide for the Future and Times ſucceeding. That ſuch a Thing there is as Providence, the Scriptures every where teach us; *Moſes* in many Places; the Prophets in their Productions, Chriſt Himſelf, and his Apoſtles, aſſure us hereof; And beſides the Scriptures, *Hermes*, *Orpheus*, *Euripides*, *Pythagoras*, *Plato*, *Plotinus*, and (in Effect) all Learned Men acknowledge the Providence of God; Yea, The *Turks* Themſelves are ſo confident therein, as They refuſe not to Accompany and Viſit each other in the moſt Peſtilent Diſeaſes, nor ſhun any Peril whatſoever, tho' Death therein doth manifeſtly Preſent itſelf.

The Places of Scripture proving a Providence, are ſo many, both in general and particular, as I ſhall need to repeat but a Few of them in this Place; *Sing unto God* (ſaith *David*, Pſal. 147. 8.) *which covereth the Heavens with Clouds, and prepareth Rain for the Earth, and maketh the Graſs to grow upon the Mountains, which giveth the Beaſts their Food, and feedeth the young Raven that cries: All Theſe wait upon Thee, that thou mayeſt give Them Food in due Seaſon* (Pſal. 104. 17. 9. and 145. 15.) *And Thou ſhalt drink of the River Cherith* (ſaith God to *Elijah*, 1 Reg. 17. 4.) *and I have commanded the Ravens to Feed Thee there. Behold the Fowls of the Air; They ſow not, nor reap, and yet your Heavenly Father Feedeth Them.* (Matt. 6. 26.) *Are not Two Sparrows ſold for a Farthing? and One of them ſhall not fall to the Ground without your Father. Yea, all the Hairs of your Head are numbred,* (Luc. 12. 6. 7.) and St. *Peter*, *Caſt all your Care on Him, for He careth for you* (1 Pet. 5. 7.) *and his Judgments are written*, ſaith *David*, (Pſal. 36. 6.)

God therefore, who is every where Preſent; who filleth the Heavens and the Earth; whoſe Eyes are upon the Righteous, and his Countenance againſt Them that do Evil (*Jer.* 23. 24) was therefore by *Orpheus* call'd *Oculus infinitus*, an Infinite Eye, beholding all Things; and cannot therefore be eſteem'd as an Idle Looker on, as if He had Transferr'd his Power to Any Other; For it is contrary to His Own Word; *Gloriam meam Alteri non dabo, I will not give my Glory to Another.* (Eſay 42. 8.) No Man commandeth in the King's Preſence, but by the King's Direction: But God is every where Preſent, and King of Kings. The Example of God's Univerſal Providence is ſeen in His Creatures; The Father provideth for his Children: Beaſts, and Birds, and All-living; for their young Ones. If Providence be found in Second Fathers, much more in the Firſt and Univerſal: And if there be a natural loving Care in Men, and Beaſts, much more in God, who hath Form'd this Nature, and whoſe divine Love was the Beginning, and is the Bond of the Univerſal; *Amor Divinus rerum Omnium eſt Principium, & vinculum Univerſi* (ſaith *Plato*:) *Amor Dei eſt nodus perpetuus, mundi copula, Partiumque ejus immobile Suſtentaculum, ac univerſæ machinæ Fundamentum.* The Love of God is the Perpetual Knot, and Link or Chain of the World, and the immoveable Pillar of every Part thereof, and the Baſis and Foundation of the Univerſal: God therefore, who could only be the Cauſe of All, can only Provide for All, and Suſtain All; So as to Abſolute Power; to every where Preſence; to Perfect Goodneſs; to Pure and Divine Love; This Attribute tranſcendent hability of Providence is only proper, and belonging. (*Sir* Walter Rawleigh's *Hiſt. of the World.*)

(7) *Perpendicularly.*] This is a Mathematical Term; in *Geometry*, when a Right Line ſtandeth ſo upon another, that the Angles on either ſide are equal, then this Right Line which ſo ſtandeth erected is perpendicular to that upon which it ſtandeth.

A Right Line is ſaid to be Perpendicular to a Plane, when 'tis perpendicular to all the Lines it meeteth with in that Plane.

One Plane is perpendicular to another, when a Line in one Plane is perpendicular to the other Plane.

Perpendicular, or Right Plane, is when a Plane like a well-made Wall, inclines and Leans on one ſide, no more than it doth on the other. Perpendicular to a Parabola, is a Right Line, cutting the Parabola in the Point, in which any other Right Line touches it, and which is alſo it ſelf perpendicular to that Tangent (Harris's *Lexicon Technicum.*)

(8) *Horizontally*] An Horizontal Line is any Line drawn Parallel to the Horizon upon a Plane (*Ibid*) This too is a Term made uſe of in Mathematicks.

THE

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THE

PREFACE.

THE Firſt Edition of this Nobility-Eſſay having already met with ſo good Encouragement, both to the Satisfaction of the Publick, as well as Applauſe to the Author, He hath, by the favourable Reception of the Firſt, thought fit to publiſh a Second Impreſſion, with large Annotations, Additions and Amendments; which, as it was not poſſible to compleat without great Expence, as well as infinite Labour, *He furniſh'd Himſelf with the beſt Authors at no little Charge; out of which, like a skilful Artiſt, He hath, with indefatigable Pains, extracted the Quinteſſence of this Work for the Benefit of his Candid Reader.*

And as He collected it with no mean or mercenary View, any ways to promote his own private Intereſt, but out of a Generous Intention to ſerve the Publick, and divert the Polite Part of Mankind; ſo He doth not much regard, whether or no it paſſes unmoleſted thro' the Cenſorious Crowd; whoſe ſqueamiſh Palates are frequently ſo vitiated, that they nauſeate the Beſt Dainties, and reliſh nothing that's Savoury with a true Guſt and Appetite, but turn all wholſom Nutriment to crude and indigeſted Humours.

Yet, to obviate an Objection or Two, it will not be amiſs, that ſeem to be levy'd at the Work: The Firſt of which is, the Length of the Notes; in whoſe Defence, This is to be anſwer'd: The Author, indeed,

deed, out of the common Method, hath ſwell'd Them beyond the uſual conciſe Compaſs, which is rather to be imputed to a luxuriant Fancy, and the copious Talent of a fluent Stile, than cenſur'd as a Crime of Deficiency: A Fault, if any, very excuſable, when the Critical Notes of Bayle *and* Collier, *whom* He *Copies after, do the ſame: Beſides, the pleaſing Variety, intermix'd with ſo many different Curioſities, will fully recompenſe the Fatigue, and ſurpriſe the Reader with a delightful Scene of profitable Learning in Law, Phyſick, Divinity, Hiſtory, Oratory, Poetry, Heraldry, and what not, that is Nice and Curious? So that This Judicious Reflection ought to paſs upon the Book, That 'tis a Comprehenſive Epitome of Polite Literature.*

Another Objection is, That the Gentleman dwindles a little too much into the Pedantry of a Grammarian by his nice Etymologies; But, with Submiſſion, He muſt act Independent of the Reaſon of the

Thing, who vainly imagines any Beautiful Structure can be raiſ'd, or Improvement made, without the ſolid and never-failing Foundation of Grammatical Learning; ſo that to Cavil at its Excellency, from whence we derive all our Boaſted Merit, will appear not a little ungrateful.

To Conclude; The Notes are ſo commodiouſly rang'd after each Paragraph, that the Explication of almoſt every remarkable Difficulty that occurs, will appear at firſt view, at a little Diſtance from the Context, much to the Eaſe and Convenience of the Reader; who, if He takes as much Pleaſure in the Peruſal of this Work, as the Author hath done in Compiling it, will highly oblige Him; and He will then think his Coſt and Pains meet with an Ample Compenſation.

AN
Hiſtorical Treatiſe
OF
NOBILITY,
POLITICAL and CIVIL.

CHAP. I.

The INTRODUCTION.

NOBILITY, which many of the greater ſort of Wits, with clear Proof of uncorrupted Verity, and much flowing Eloquence, have gone about to derive out of divers Fountains, is of three Sorts; and is divided into,

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1. Nobility Celeſtial, which conſiſteth in Religion.

2. Nobility Philoſophical, which is got by Moral Virtues. And,

3. Nobility Political, whereof this preſent Treatiſe is.

Out of the two firſt ſorts of Nobility, no Man can become Noble except he be a good Man alſo; but out of the third ſort a Man, tho' he be ever ſo wicked and graceleſs, may yet excel the reſt of Men, even in the higheſt degree of Nobility: as *Caligula*, (1) *Nero*, (2) and ſuch others did.

The Matter of Nobility was in antient time accounted of two ſorts; *viz.*

1. Theological. And,

2. Moral.

For why? Nobility is in it ſelf honourable and laudable, but without Virtue nothing (according to the Opinion of *Cicero*) (3) can be commendable or praiſe-worthy. Of which the Seat and Situation of the Temple of Honour among the *Romans* was a notable Example; whereto there was no Entrance or Way, but by the Temple of Virtue. (4)

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(1) Caligula.] *Sic dictus à* Caligis *quas margaritis refertas primus geſtavit ; vel potiùs à* Caliga *militari, quâ frequentèr in exercitu utebatur ad conciliandos ſibi militum animos. id enim militibus gratiſſimum fore credebat, ſi Imperatorem veſtibus nihil à gregario Milite differre viderent.*

He was called *Caligula*, becauſe He was born in the Army where the Soldiers wore certain Breeches, which They call'd by this Name. *Caius Cæſar* were his other Names. He was Son of *Germanicus* and *Agrippina*, and ſucceeded his Uncle *Tiberius* (whom tho' his Benefactor, He out of impatience to ſee Himſelf Maſter of the World, ſmother'd as He lay at the Point of Death) in the Empire, the 37th Year after the Birth of Chriſt. He was ſuch a Monſter of Iniquity, that I forbear to ſay any thing more of Him.

(2) Nero] *Quaſi* Νεύρων, i. e. *nervoſus & compactis viribus; a Fortitudine dict. Nero* Ἀνδρεῖος *: vel eſt verbum Sabinum ſignificans virtutem & Fortitudinem ; Itaque ex* Claudijs *qui erant a Sabinis oriundi, qui erat egregia atque præſtanti Fortitudine,* Nero *appellatus eſt.* Suet. *Verum Sabini id nomen a* Græcis *accepiſſe videntur, qui vincula & firmamenta membrorum* Νεῦρα *dicunt.* Lat. Nervos. (Gell.)

The Names of divers Emperours, one whereof (he whom we have to do with in this Place) call'd alſo *Domitius*, adopted by *Claudius Cæſar*, was ſo cruel and inhumane, that every Tyrant after him was call'd *Nero*. Silence is the beſt Tribute I can pay his Memory.

(3) Cicero] *Marcus Tullius*, Prince of *Latin* Eloquence, was born in the 648th of *Rome*, in the 168th *Olympiad*. His Father was a *Roman* Knight, deſcended of *Titus Tatius* King of the *Sabines* : his Mother's Name was *Helvia*. He pleaded in his very Youth ſo freely againſt *Sylla*'s Friends, that for fear of the ill Conſequence thereof he travell'd into *Greece*, thence to *Aſia*, bent all this while upon the Perfection of his Eloquence, became Diſciple of *Xenocles*, *Denys* and *Menippus*, and afterwards ſtudied at *Rhodes* under *Apollonius Molon*, the eloquenteſt Man of his time.

Hence he came to *Rome*, where for his great Parts he was made Governour of *Cilicia*, and Quæſtor of *Rome*. In 691, he was Conſul with *C. Antonius Nepos*, during which he diſcover'd *Catiline's* Conſpiracy, and puniſh'd the Accomplices, gaining thereby the Name of the Preſerver of the Commonwealth. Yet in 696, he was baniſh'd by the means of *Clodius* and others, which the People were ſo concern'd at, that he was recall'd the very next Year after at *Pompey's* requeſt, who was an Inſtrument of his Exile. After this, at his return from *Cilicia*, where he was Pro-conſul in 702, he attended *Pompey* in the Civil Wars, after whoſe Death in 706, he was pardoned by *Cæſar*, whom he reconcil'd to *Ligarius*. In the 711th Year of *Rome*, 43 before the Chriſtian Æra, and in the 184th *Olympiad*, in the 64th Year of his Age, *Anthony*, one of the Triumvirate, bearing him extream Hatred by reaſon of the Orations he writ againſt him (call'd by us the *Philippicks*) got him purſu'd and beheaded. His Executioner was one *Popilius*, whoſe Advocate he was againſt ſome, who laid his Father's Death to his Charge. His Works are, *viz. De Inventione*, *De Oratore*, &c. His Orations, Epiſtles, Academical Queſtions; *De Finibus*; his *Tuſculan* Queſtions; *De Natura Deorum*, *De Amicitia*, *Senectute*, &c. well known. Three Books alſo in Verſe of what had befallen him during his Conſulſhip, are ſaid to have been written by him.

(4) Aſhmole's *Hiſtory of the Garter*, *new 8vo. Edit. p.* 2.

(1) *Medal.*]

In ſeveral of their Coins we ſee Honour and Virtue repreſented together in one Reverſe, and in one Medal (1); the Face of Honour ſo ſhadows that of Virtue, that but a little of it appears, Honour being the more illuſtrious of the two; And when we behold any Perſon outwardly adorned with it, we are to judge him inwardly endued with Virtue, in as much as Honour is his due, and juſtly beſtowed upon him. But by the prepoſterous Innovation and Change of things, that Nobility which properly belonged only to the Good, gave place, and inſtead thereof, that Nobility which is equally common to the Bad and to the Good, ſtepped to the Helm: Yea, even the Word *Nobilis* (or Noble) it ſelf, which ſome will have to have been call'd *Noſcibilis*, or Remarkable, or for ſome Virtue notable, began to be indifferently taken in both parts, good and bad; as *Nobile Scortum*, a Noble Harlot, *Nobile Scelus*, a Noble Villain. Neither in queſtion of Political Nobility are we any more to have recourſe to the Divines or Philoſophers (2), and much leſs to the antient *Roman* Conſtitutions (for the moſt part) diſcerning all things by Magiſtrates Charges and Offices; but only to the Diſpoſitions of the Princes and Monarchs of the World, who having (by permiſſion of the Almighty) the Power of the Government thereof committed to them in divers Forms, govern Nobility according to their own Pleaſure and Good-liking, and ſo have made the ſame Hereditary. Hence it is, that a Stranger, made a Nobleman at

Rome or elſewhere, is not at Home accounted in the number of Nobility, his Prince being thereto unwilling; and ſo *è contra.* Therefore they who examine Political Nobility by any other Rule than the Cuſtom of every Nation, are utterly out of the way. Yet for all this ſo great diverſity of Manners and Cuſtoms of Nations, in all places the ſame Definition of Civil Nobility is agreeable to all; *viz. Quod ſit qualitas ſive dignitas, quâ quis legitimè à plebeiâ Conditione eximitur, & per Gradus erigitur : i. e.* That it is a Quality or Dignity, whereby a Man is lawfully exempt, and by degrees promoted out of, and above the Eſtate of the Vulgar and Common ſort of People. Of this Nobility there be two kinds; *viz.*

1. Nobility Native, *i. e.* by Birth. And,

2. Dative, *i. e.* by the Prince's Grace and Favour.

For

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(1) *Medal.*] Medals are pieces of Metal, repreſenting the Faces of Princes, and Illuſtrious Perſons on one ſide, and ſome Figures or Emblems on the other, call'd the Reverſe. Thoſe who value Antiquity have always had a great Eſteem for ſuch Pieces, becauſe they teach many things which are not to be found in Books. Among the *Romans, Varro* ſought out the Portraicture of all the Illuſtrious Perſons, who had ſignaliz'd themſelves from the Foundation of the City, till his time. *Cicero* ſought after

ter Medals with great earneſtneſs : and *Julius Cæſar* took much delight in them. The Emperour *Severus* was ſo paſſionate a Lover of them, that he ſought for thoſe of *Jeſus Chriſt* and *Abraham*. The learned *Spanheims* treats at large of the utility of Medals ; but thoſe who would judge of the Phyſiognomy of Perſons by Medals, muſt only take notice of ſuch as are done by excellent Gravers, and in the mean time when the Perſons themſelves were alive. For the *Roman* Emperours, thoſe made in *Italy*, and particularly at *Rome*, are the beſt ; for thoſe made in *France*, *Spain* and *Greece*, are not ſo natural. Thoſe who underſtand Medals, can eaſily diſtinguiſh the one from the other ; for the *Grecian* Medals, and thoſe made in other Provinces, have generally ſome Hieroglyphick or Name importing where they were made, and they are moſtly of a different make. The *Egyptian* Medals are eaſily known by their peculiar edges ; the *Syrian* by their thickneſs ; and the *Spaniſh* by their ſmall Releif. Moreover, Strangers were not allow'd to coin golden Medals of the Emperour ; ſo that thoſe of Gold are of *Italy*, and moſt of thoſe in Silver or large Copper with *S. C.* upon them, *i. e. Senatus Conſulto*, were by order of the Senate. Nothing certain can be determined concerning the Phyſiognomy of the *Roman* Conſuls, or the Heroes of Antiquity from Medals, becauſe the Conſuls were not permitted to repreſent their Heads upon Money, ſo that their Medals were coin'd by their Deſcendants ; and thoſe of the Heroes were ſtamp'd after their Deaths.

To what hath been ſaid hitherto upon this Article, ſomething may be added concerning the Credit and Uſe of this ſtudy. And firſt upon the Score of the Dignity of the Argument.

This point may be prov'd from ſeveral Conſiderations ; Firſt, from the Antiquity of theſe Remains ; Thus, if Columns, Statues, Lamps, Rings, and ſeveral other Inſtances of the old *Roman* Furniture and Art, are ſo much valu'd, notwithſtanding ſome of them are decay'd, and almoſt moulder'd into Rubbiſh, how ought Coins and Medals to be eſteem'd, which are ſtill preſerv'd in their firſt Freſhneſs and Beauty, open the Scenes of Antiquity with ſo much Strength of Repreſentation, and raiſe a great part of the old World almoſt out of their Graves again ? For this reaſon, Perſons of the higheſt Claſs both for Station and Underſtanding, have generally made it part of their Buſineſs to get Collections of theſe Curioſities; And here, not to mention the modern *Italian* Princes, as thoſe of *Florence*, *Modena*, *Farneſe*, &c. it may be ſufficient to take notice, that this was the Inclination of the greateſt *Roman* Emperours; ſuch as *Julius* and *Auguſtus Cæſars.*

'Tis ſomewhat difficult, 'tis true, to ſtate the Antiquities of Coins and Medals, and to aſſign each Nation its juſt Privilege with reſpect to the Priority of Time; However, among the *Romans*, the Conſular Medals which were ſtruck during the Republick, are eaſily diſtinguiſh'd from thoſe of the Emperours, and by being ſo, diſcover their Chronological Reſpects. As for the Coins of the *Greeks*, and *Aſiaticks*, minted before their ſubjection to the *Roman* Empire, 'tis ſomewhat hard to pronounce upon their particular Age, becauſe tho' a great part of 'em are ſufficiently mark'd as to the Place; the diſtinctions of Time are either obſcure or wholly omitted. But notwithſtanding this uncertainty, 'tis plain, that a great many of theſe Coins were minted when *Greece* was in a State of Liberty; that is, while the *Perſian* Monarchy was ſtanding; This, I ſay, appears plainly from ſeveral genuine Medals of *Macedon*, elder than *Philip* and *Alexander*, from *Greek* Medals with the Names of ſeveral Magiſtrates Prior to the *Macedonian* Empire; to which we may add ſome *Sicilian* Coins of ſtill greater Antiquity. As to the preciſe Age of Coins, whether they were poſteriour to the *Trojan* War, as *Philoſtratus* will have it, needs not to be determin'd: However, 'tis no ordinary Pretence to make out the Claim of above 2000 Years Antiquity.

Neither need we queſtion the Antiquity of Medals, if we conſider, that both the matter and form of them are ſo well contriv'd for laſting. Indeed the Invention of Coins as well as Monuments and Inſcriptions, proceeded from a deſire of perpetuating the Memory and making it, as it were, immortal. For this reaſon the Antients us'd to take care, that the Memorable Things and Perſons ſhould be either recorded in Books, or cut upon Marble, or repreſented in Trophies, Pictures and Statues; and as if they diſtruſted all this Proviſion for Fame, they took care to be regiſtred upon Coins, looking upon this expedient as the beſt Defence againſt the Force of Time. This was the Expectation of the Ancients, as appears by ſuch Inſcriptions as theſe upon their Coins. *Æternitati Auguſti. Æternæ Memoriæ; perpetuitati Aug. Romæ Æternæ*, &c. neither were they miſtaken in their Account, for their Memory has laſted longer this way than any other. The Temples, they were flatter'd with in their *Apotheoſis*, are long ſince tumbled; Their Statues, Monumental Inſcriptions and Triumphal Arches are, moſt of them, decay'd, and ſunk below their Rubbiſh. Neither are Books themſelves a ſufficient Security; for, not to mention the Burning of the *Alexandrian* Library, the miſerable Deſtruction of Authors at the ſacking of *Rome* by the *Goths* and *Vandals*, the ſingle Inſtance of *Photius*'s *Bibliotheca* is Proof enough to convince us how many noble Volumes have been loſt in the ſpace of about 800 Years. As for Paintings, they are ſtill leſs to be truſted to in this caſe: Thus *Pauſanias* complains, that moſt of the Pieces of the greateſt Maſters were tarniſh'd in his time: As for *Apelles* we have nothing remaining of him but his Name: His celebrated *Venus Anadyomene*, his *Alexander* drawn with a Thunder-bolt, almoſt as great in Painting as in Life and Action, have been loſt many Ages ſince; neither is his great General *Antigonus* to be ſeen any where but on the Coins: And as for the Performances of *Protogenes*, *Parrhaſius*, and *Zeuxes*, the greateſt Maſters of *Greece*, there were ſcarce any remains of them in *Rome*, when *Petronius* was living: 'Tis true, there are ſome little Fragments of the old Painting in the Aldobrandin Gardens, and the Farneſian Palace at *Rome*; but then they are ſo miſerably maim'd and murder'd by Time, that they occaſion more Regret than Satisfaction to thoſe that ſee them.

'Tis granted, Statues, and Marble Inſcriptions, having an Advantage in the Solidneſs of their Matter, have held out better againſt Decay. And of this, there are ſeveral Inſtances of the wonderful Perfection to which the Ancients carry'd this Art, as *Laocoon*'s Statue in the Vatican, which, in *Pliny*'s Time, was look'd upon as the Maſter-Piece of the World: The *Hercules* in the Palace of the Prince of *Farneſe*, and the *Venus* belonging to the Dukes of *Florence*; to which we may add, the *Seneca* and Gladiators of the Prince of *Borgheſe:* The Statue on Horſe-back of *Marcus Aurelius*, and ſome other Figures, ſurprizing to the laſt Degree for their Beauty and Curioſity of the Workmanſhip: But then we may obſerve, that as ſome of theſe have ſuffer'd in ſome meaſure by their Age, ſo the Number of them is inconſiderable; whereas Coins and Medals, on the contrary, are bright, entire, and undisfigur'd, and nothing near ſuch Scarcities as the other: 'Tis confeſs'd they have met with their Caſualties, by running thro' ſo long a Succeſſion of Time, but ſtill they have very much the Advantage upon the Compariſon.

Farther, the Valuableneſs of Coins and Medals appears from the Priviledges and Reſpects, with which they have been all along guarded. Thus by the *Roman Cornelian* Law, which was little more than the general Proviſions of all Nations and Conſtitutions, Money and Medals were ſecur'd from Counterfeiting and Clipping under the ſevereſt Penalties. To this Purpoſe the Heathens made a Goddeſs to preſide over Money, repreſenting her under the ſame Figure with Equity: Thus Princes, to procure a greater Regard to themſelves, to make them look'd on, as it were, the Soul of Commerce, and give them a Shadow of Omnipreſence, order'd their Heads to be ſtamp'd upon their Coins, where they were reverenc'd by their Subjects to that degree, that 'twas counted a prophane ſort of Boldneſs to affront them in their Money. Upon this Notion it was, that *Stratonicus* in *Artemidorus* fancy'd that he had kick'd the King, becauſe, as he was walking, he happen'd to ſtrike up a Gold Coin with the Royal Effigies. Nay, *Suetonius* and *Seneca* inform us, that 'twas a Capital Crime, in the Reign of *Tiberius*, to carry a Piece of Money, or a Ring, with that Emperor upon it, either to the Stews or Houſe of Offices. I might give ſeveral Inſtances of Peoples being try'd for High-Treaſon, for paying a Diſreſpect to the *Roman* Emperors in their Coins. For this Reaſon, the Coining of Money and Medals has been look'd upon as a Sovereign Prerogative, and therefore 'twas eſteem'd as a ſingular and unuſual Reſpect, that *Conſtantine the Great* allow'd his Mother this Privilege; and therefore *Ammianus Marcellinus* obſerves, that *Procopius* ſet up for Emperor againſt

Valentinian, by coining ſeveral Pieces of Gold: And *Procopius*, the Hiſtorian, informs us, that the Right of Coining Gold was a peculiar Priviledge of the *Roman* Empire, and that *Juſtinian* was the firſt who gave this Liberty to the King of the *Franks*; and that neither the *Perſians*, nor any other barbarous Princes could lawfully do it. However, it muſt be obſerv'd, that the *Roman* Emperor's Prefect or Lord-Lieutenant of *Gaul*, had the Priviledge to Coin Gold and Silver-Money, as we may learn from *Strabo (lib.* 4.) Neither was the Regard paid to Princes, the only Conſideration why they kept the Mint in their own Hands; there were other Reaſons to forbid it the promiſcuous uſe of the Subject, which had it been allow'd, it would have fallen into improper Hands. The Dignity of the Argument therefore, and the Importance of the Matter, prevail'd with Princes to keep the Mint within their own Prerogative: For, to inſtance in ſome Particulars; A great Part of the Ceremonies of Religion were ſtamp'd upon their Medals; they were charg'd with the Solemnities of War and Peace, with the Reward of Victory, and with the Figure of the Arms with which they procur'd it; with the Heroes and Tutelar Genius's of Nations and Cities; with the Symbolical Figures of Virtues and Vices; with the Repreſentation of Animals and Plants, remarkable either for Rarity or Service: And laſtly, with the Architecture and Form of their Nobleſt Publick Buildings. Now ſuch a Subject as this deſerv'd to be confin'd to the Prince's Care and Encouragement, and not left to the liberty of every private and bungling Fancy.

Another Thing remarkable in Medals and Coins, is, that they afford us the Satisfaction of ſeeing that Animals continue the ſame with what they were ſo many Ages ago: This, tho' at firſt Sight it may look like a trivial Obſervation; yet, upon ſecond Thoughts, it will prove no uninſtructive Speculation, becauſe it diſcovers the ſteadineſs of the Creation; that the Prolifick Virtue, and the Principles of Life, are ſtill the ſame; and that notwithſtanding the various Revolutions of Matter, upon ſo long a Courſe of Duration, all living Creatures have ſtill the ſame Figures and Powers; and that tho' the Individuals frequently die and drop off, yet the Species hold up to their firſt Model, and are, as it were, Immortal; which argues a wonderful Force and Uniformity in the Conduct of Providence.

Another Conſideration to recommend the Study of Coins and Medals, may be drawn from the Curioſity of the Workmanſhip, which conſiſts in crowding a great deal in a little Compaſs. This drawing in little, epitomizing Nature, as it were, with ſuch Exactneſs, and preſerving the Truth and Proportions in a Figure ſo very much leſs than Life, are juſtly reckon'd the higheſt Finiſhings of Art. Thus, the Bones of Giants, Heads of the *Rhodian Coloſſus*, or that made by *Commodus*, afford a leſs ſurprizing Pleaſure, than the Reſemblances of theſe bulky Wonders abridg'd into the ſmalleſt Volume, and cut upon Coins and Jewels. This made *Galen* commend the Artiſt in his Time ſo much, for cutting *Phaeton* in his Coach and Four, with ſo much Life and Diſtinction upon a Ring, that the Bridle, Mouth, Teeth, and Fore-feet of each Horſe, might be ſeen with the greateſt eaſe imaginable. To this we may add, that the Figures of the moſt Illuſtrious Perſons are generally ſtamp'd upon Coins: The greateſt Princes, Lawgivers, Generals, Philoſphers, Orators, Hiſtorians, *&c.* In ſhort, the greateſt Perſons for Birth, Enterprize, and publick Service to the World, are preſerv'd this way, and repreſented with ſo much of Nature and Spirit, that we may affirm of a *Macedonian*, or *Sicilian* Prince, of a *Roman* Emperour, *&c.* What *Andromache* ſaid of *Aſcanius* with reference to *Aſtyanax*, *Sic ille oculos, ſic ora ferebat.* Of this ſort there are a great many *Greek*, *Sicilian*, and *Italian* Medals ſtill remaining, no leſs remarkable for their Curioſity than their Age. As for the *Roman* Medals, the moſt beautiful of them begin about *Auguſtus*'s Reign, and hold as far as *Severus*'s, in which Period they were wrought in all kind of Metals, and furniſh'd with wonderful Stroaks of Art: 'Tis true, afterwards they began to fail in their manner, and ſink, as it were, with the Declenſion of the *Roman* Empire.

To proceed to another Branch of the Uſefulneſs of Coins and Medals, here we may obſerve, how ſerviceable they are in diſcovering the Cut and Figure of the Letters us'd by the Antients, by which we may be able to conjecture upon the Age of a Manuſcript, and to find out the right reading of an Author's Text. Thoſe who underſtand Manuſcripts are ſufficiently ſenſible of the Maims and ill Uſages they have met with; and that moſt of them are but Modern upon the Compariſon, very few reaching further than 800 or a 1000 Years, which falls very much ſhort of the Antiquity of Medals; And therefore, when Criticks are at a Loſs or Diſagreement about the Reſtoring and Senſe of an Author, the only way to find out the Truth, and ſettle the Matter, is by conſulting Coins and Inſcriptions, which Method has frequently been practis'd with great ſatisfaction. Now, conſidering that Manuſcripts are ſo comparatively Modern, the Shape and Faſhion of the ancient Alphabets can be diſcover'd no other way, than by the Learned Metals and Marbles. And here the Aſſiſtance of theſe Records are extreamly ſerviceable; for from hence we may trace the Original of Languages, the various Revolutions of the Alphabet, the Slips and Errors of the Tranſcribers, and in ſhort, a great many other remarkable Diſcoveries are ſtruck out this way. Thus the Reſemblance between the old *Greek* and *Phœnician* Alphabet may be ſafely examined; thus *Herodotus* diſcover'd the true Shape of the old *Cadmæan* or *Phœnician* Letters by conſulting the Inſcription in *Apollo*'s Temple at *Thebes*; And thus, by the help of Coins and Medals, we may obſerve the Similitude between the *Greek* and *Roman* Letters; how the latter were made out of the former, together with the ſeveral Alterations of the Alphabet of each Nation, according to the Reſpects of Time. Neither is this Information confin'd to the *Greek* and *Roman* Alphabet; but the *Phœnician* likewiſe (the Original of both) is diſcover'd by the inſpecting of Medals: Of theſe there were ſeveral ſtruck at *Carthage*, at *Panormus*. *Syracuſe*, &c. mention'd by *Urſinus*, *Paruta*, and *Leonardus*; and may likewiſe be ſeen in the Cabinets of Princes and Antiquaries. Now by the aſſiſtance of theſe Curioſities, we may underſtand the Shape of the old *Phœnician* or *Punick* Letters; whether there was any difference between thoſe of *Tyre*, and thoſe of *Carthage*; whether they are the ſame with the *Samaritan* Letters (as 'tis poſitively aſſerted by very Learned Criticks). And laſtly, whether the *Greek* Alphabet has any reſemblance with thoſe above mention'd; for ſince there are no Books remaining in the old *Phœnician* Language, thoſe of *Moſchus Sidonius*, of *Sanchoniathon* (if he wrote any) and the *Punick* Volumes of King *Hyempſal* being loſt long ſince, there is no way of determining this Queſtion, but by appealing to the Evidence of Coins and Medals: From whence it appears, that the old *Phœnician* Letters are more reſembling the *Hebrew* or *Chaldee*, than the *Samaritan* Alphabet.

By the Benefit of Medals we may likewiſe judge concerning the Antiquity of the *Hebrew* and *Samaritan* Character, and be qualified to judge of the Preference, and in which of the two Alphabets the Law of *Moſes* was written. By the advantage of this Ground, *Scaliger*, *Vallalpandus*, *Capellus*, *Morinus*, and *Walton* in the *Engliſh Polyglot*, declare for the *Samaritan*, and fetch their Proof from Coins and Medals. By theſe likewiſe, we may underſtand the different way of Writing, us'd by ſeveral Nations. 'Tis very well known, tho' *Herodotus* had not vouch'd it, that the *Phœnicians* us'd to write from the right Hand to the left, according to the antient Cuſtom of the *Hebrews*, *Syrians*, *Arabians*, *Egyptians*, and other *Eaſtern* Nations. The ſame way of Writing, as *Olaus Wormius* obſerves, was made uſe of in ſome old *Gothick* Inſcriptions; and tho' the *Greeks* generally omitted it, either becauſe they thought theHand mov'd ſomewhat untowardly this way, or for ſome other reaſon, yet there are ſome antient Traces of the *Phœnician* Cuſtom in that way of Writing, call'd Βȣϛροφηδὸν, in which, one Line was written from the right Hand, and another from the left. And in this faſhion *Solon*'s Laws were engroſſed, and *Pauſanias* likewiſe mentions ſuch an Inſcription at *Olympia*; He likewiſe gives another Inſtance in an old Statue of *Agamemnon*, where the Letters of that General's Name are cut from the right Hand to the left. And of this Practice we have further indiſputable Evidence from ſome of the moſt ancient *Greeks*; and eſpecially the *Sicilian* Coins, where inſtead of Γέλας we have ƧΑΛƎ⅂, with ſeveral other Names where the *Greek* Characters are writ the *Hebrew* way.

By conſulting Coins we are further inform'd how the antient *Greeks* and *Latins* us'd ſometimes to change their

Vowels, and how one Conſonant in Tract of Time, was us'd inſtead of another. This Study will likewiſe inform us in the Myſtery of Abbreviations practis'd by the Ancients, and in the Rules of Orthography, and diſcover, in a great Meaſure, the Alterations the *Roman* Language run thro' in the different Periods of that Republick and Empire. And thus the proper way of Writing the Names of ſeveral Famous *Romans* is reſtor'd, and the Neglect of the Tranſcribers of *Tully*, *Tacitus*, and ſeveral other Authors, found out.

Farther, the ſerviceableneſs of Medals and Coins is no leſs ſeen in Hiſtory. And here, not to inſiſt upon the old *Macedonian* Monarchy; upon the Governments of the *Seleucidæ* and *Lagidæ*; upon that of *Antiochus*, the *Arſacidæ*, the Kings of *Pontus*, *Thrace*, *Sicily*, &c. not to inſiſt, I ſay, upon the Hiſtory of theſe Princes, their Genealogies, manner of their Governments, and product of their Countries, which are very much diſcover'd and illuſtrated by Coins, we may proceed to the *Romans*, and perceive the moſt remarkable things of that vaſt Empire clear'd up and explain'd this way. Here we have an Account of the Figure of their ancient Gallies, and other Veſſels, with the manner of their engaging at Sea: Here we have unqueſtionable Records of the Actions of their greateſt Generals; of their Military Expeditions, Legions, Diſcipline, Encampments, Victories, Triumphs; of the Publick Bounties of their Emperors, either in giving Largeſſes, or in releaſing Tribute and Taxes; their Alliances and Truces. To theſe we may add their Lectiſternia, Marriages, Births, Funeral Pomps and Apotheoſes; the Dignity and Habit of their Magiſtracy; the Titles and Date of their Laws; the Antiquity and Diſtinction of their Families, *&c.*

The uſefulneſs of Coins and Medals may be further illuſtrated for the Convenience of carrying them about, and diſpoſing of them in a little room. And in this Point they have a great Advantage above Obeliſks, Columns, Triumphal-Arches, and other Monumental Inſcriptions. Here you have the *Iliads*, as 'twere, in a Nut-ſhell, and a ſmall Cabinet will contain more Antiquity and Learning than a *Roman* Forum or Square, with all the Furniture of Statues, Trophies, and Inſcriptions about 'em. To carry on the Comparative Preference, and caſt the Cauſe upon the *Hiſtoria Auguſta*, I mean, the Publick and Government-part of the Emperors Lives, which makes up the Main Body of their Hiſtory, and not the Management of their Court and Domeſticks: And here, if we pitch upon the Life of any ſingle Emperour, ſuppoſe *Trajan*, or *Adrian*, or *Antoninus Pius*, or *Marcus Aurelius*, or any other, of whoſe Actions we have a great many Remains preſerv'd to us both upon Coins and Marbles; If we put the Caſe thus, I ſay, and tranſcribe the Records both from Medals and Monumental Inſcriptions, ſeparately upon Paper, and then get a Committee of the Learned to inſpect the Account; we ſhall find the firſt to be more large and comprehenſive in the Matter, more exact in the Chronology, better furniſh'd with Variety of remarkable Places, and more ſatisfactory and demonſtrative in pointing out Things and Perſons. Farther, here we are, as it were, brought into the Wardrobe of their Pretended Deities, and made acquainted with their Habits; we ſee their Temples and Courts of Juſtice, their Theatres, their Publick Spectacles both in the Play-houſe and Amphitheatres, ſuch as their *Ludi Seculares*, *Circenſes*, *Cereales*, *Iſthmian*, *Olympian*, *Nemean*, and divers others. 'Tis by Coins and Medals that we may take a View of their Solemn Proceſſions, of their Religious Poſtures, and other Furniture for Sacrificing: Here we have Repreſentations of their Emperours haranguing their Troops, giving Audience to Embaſſadours, beſtowing Crowns upon Eaſtern Princes, and receiving the Submiſſions of thoſe they had conquer'd.

To draw towards a Concluſion; nothing can better fix the Chronological Æra and Periods of Time, than Coins and Medals, which were ſtruck by Publick Authority, and upon Solemn Occaſions: Neither are they ſubject to the Caſualties of Raſures, Falſification, and Decay like other Records. Antient Geography is likewiſe very much explain'd by Coins and Medals, there being ſcarcely any conſiderable Town, Country or Province, in *Aſia*, *Africa*, *Greece*, *Thrace*, *Macedon*, *Sicily*, *Italy*, *Spain*, *Gaul*, *Britain*, &c. which is not to be met with upon Coins. From hence likewiſe, the Original of Colonies is diſcover'd, as a Pegaſus upon the Coin of *Syracuſe*; a Branch of Palm upon thoſe of *Carthage*; a Minotaur upon *Gela*, and an Owl upon *Megara* in *Sicily*. Theſe Emblems, I ſay, diſcover that the Towns above-mention'd had *Corinth*, *Tyre*, *Crete*, and *Athens* for their Original and Mother-Cities, according to the Order they are inſerted. Thus a She-Wolf, with Twin-Boys, upon the Coins of *Alexandria* in *Troas*, and other Towns, is a certain Argument that *Rome* was their Foundreſs, and that the Colony came from thence. Thus Father *Hardouin*, in his Notes on *Pliny*, and ſeveral others, who have treated upon this Argument, have, from the Reverſe of Medals, recover'd the true Name of divers Countries, Iſlands, Rivers, Mountains, Ways, Limits and Boundaries, the Priviledges of Cities, and the Value of Money and Weights.

To proceed to more modern Inſtances; the *Dutch* have been particularly careful of recording every Thing memorable this way. This Method was taken by them at their firſt Revolt from the Crown of *Spain*, and continu'd to the preſent Time, with all proper Devices and Particularities of Circumſtance: 'Tis true, they have frequently taken Freedoms this way, in repreſenting Perſons to diſadvantage, which other Governments would have thought unbecoming their Gravity and Grandeur to make uſe of. But, ſetting aſide this Miſ-management, their Medals are very inſtructive, and compleat in the Hiſtory. For Inſtance, We have in the Reverſe of their Medals, their Original Confederation, and Union with *Utrecht*; their early Application and Submiſſion to Q. *Elizabeth* for her Protection; the Cautionary Towns and Fortreſſes put into her Hands; the terrible Severities they were harraſs'd with under the D. of *Alva*; the Hardſhips they ſuffer'd under *Don Lewis de Requeſens*; *Don John* of *Auſtria*, the Arch-Duke *Matthias*, the Prince of *Parma*, &c. They repreſent the Miſfortunes and Executions of Counts *Egmond* and *Horn*, and the vigorous Efforts, Succeſſes, and Aſſaſſination of Prince *William* of *Naſſau*; the Exploits during the Government of the Duke of *Alençon*, the Earl of *Leiceſter*, *Grave Maurice*, *Henry Frederick*, and *William* the 2d and 3d, even to the never-to-be-forgotten Deſcent at *Torbay*.

As to *England*; ſome Coronation Pieces and Medals, ſtamp'd on the Births or Marriages of ſome late Princes excepted, we have little of this Kind till the Reign of King *Charles* the Firſt. 'Tis true, there are ſome *Britiſh*, *Saxon*, and other later Coins in our modern Collections, both Genuine and of good Antiquity; but theſe being without Reverſe, Shield, or Inſcription, excepting a Croſs, the Name of the King, or Mint, with ſome vulgar Sentence; the Charge, I ſay, being thus barren and uninſtructive, they are rather to be look'd upon as Money than Medals. And here the Learned Mr. *Evelyn* obſerves, that the firſt Hiſtorical Coin of this ſort, which he hath met with, is a Golden Royal of *Ed.* the 3d, which repreſents him ſtanding compleatly Arm'd in a Ship under Sail, holding a Sword in his Right-Hand, a Shield with the Arms of *England* and *France* on his Left; the Royal Standard Arbour'd, and diſplay'd at the Stern, *&c.* This Emblematical Repreſentation ſignifying his Title, both to the Sovereignty of the Sea, and the Kingdom of *France*. To this of K. *Ed.* the 3d, this Author mentions ſome others of K. *Hen.* the 5th, 7th and 8th, and ſo onward to the latter End of the Year 1688. This Subject lying ſomewhat out of the Common Road of Learning, and being particularly Curious and Inſtructive, has made me dilate upon it to an unuſual length, which, I hope, will not be unacceptable to the Reader. (*Collier*'s *Great Hiſt.* &c. *Dict.* Vol. II. and III.)

(2) *Philoſophers.*] *Pythagoras* is the Firſt of the Antient Sages who took the Name of Philoſopher: Before him, thoſe who excell'd in the Knowledge of Nature, and made themſelves conſpicuous by an Exemplary Life, were call'd Sages, Σοφοὶ: That Title appearing to him too great, he took another, which ſhew'd he aſcrib'd not to himſelf the Poſſeſſion of Wiſdom, but only the Deſire of poſſeſſing of it; he therefore call'd himſelf Philoſopher, that is to ſay, a Lover of Wiſdom. The Profeſſors of the Science of Nature, and of Morals, have retain'd that Name ever ſince. *Cicero* tells us the Native Country of that new Title, what gave Occaſion to it, and its Signification: *A quibus ducti deinceps omnes, qui in rerum Contemplatione ſtudia ponebant, Sapientes & habebantur, & nominabantur; idque eorum Nomen uſque ad Pythagoræ manavit ætatem; quem, ut ſcribit auditor Pla-*

tonis

For as for violent Nobility, ſuch as was that of *Nimrod*'s (1), I utterly reject it. But that theſe Things may be made more manifeſt, I will, by certain of the better Sorts of Common-wealths, even to theſe our Times, derive the Beginning of this Dignity, and the Manner of

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tonis Ponticus Heraclides, vir doctus in primis, Phliuntem ferunt veniſſe, eumque cum Leonte, Principe Phliaſiorum, docte & copioſe diſſeruiſſe quædam; cujus Ingenium & Eloquentiam cum admiratus eſſet Leon, quæſiviſſe ex eo, qua maxime Arte confideret; at illum Artem ſe ſcire nullam, ſed eſſe Philoſophum. Admiratum Leontem novitatem Nominis, quæſiſſe, quinam eſſent Philoſophi, & quid inter eos, & reliquos intereſſet: Pythagoram autem reſpondiſſe, ſimilem ſibi videri vitam hominum, & Mercatum eum, qui haberetur maximo ludorum apparatu totius Græciæ celebritate: Nam ut illic alii corporibus exercitatis Gloriam & Nobilitatem Coronæ peterent; alii emendi aut vendendi quæſtu, & lucro ducerentur; eſſet autem quoddam genus eorum, idque vel maxime ingenuum, qui nec plauſum, nec lucrum quærerent, ſed viſendi cauſa venirent, ſtudioſeque perſpicerent, quid ageretur, & quo modo; item nos quaſi in Mercatus quandam celebritatem ex Urbe aliqua, ſic in hanc vitam ex alia vita, & Natura profectos; Alios Gloriæ ſervire, Alios Pecuniæ; raros eſſe quoſdam, qui, cæteris omnibus pro nihilo habitis, rerum Naturam ſtudioſe intuerentur; Hos ſe appellare Sapientiæ ſtudioſos, id eſt, Philoſophos: Et ut illic liberaliſſimum eſſet, ſpectare, nihil ſibi acquirentem, ſic in vita longe omnibus ſtudiis contemplationem rerum, cognitionemque præſtare. Nec vero Pythagoras nominis ſolum inventor, ſed rerum etiam ipſarum Amplificator fuit. (Tuſcul. Quæſt. l. 5. circa init. (*Bayle*'s Hiſt. & Crit. Dict.)

of obtaining the ſame, as it were, even from the firſt Infancy thereof; taking both the Matter and the Examples, I therein uſe, out of the moſt Authentick and Approv'd Authors, making hardly any Change of the Sentences, much leſs of the Words, that the well-affected Reader cannot of right lay any thing thereof to my Charge.

CHAP.

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(1) *Nimrod*] or *Belus*, the Son of *Chus*, is commonly believ'd to be the firſt King or Monarch after the Flood; the ground for which generally-receiv'd Opinion is, that Text of the Holy Story, which tells us, that the beginning of his Kingdom was in *Babel*, and *Erech*, and *Accad*, and *Chalna*, in the Land of *Sinahr* (Gen. 10. *v.* 10.) this being the firſt mention of a Kingdom that occurs in *Moſes*. And that Territory which is aſſign'd to him, denotes him the King of *Babylon*, or of the *Aſſyrians*, whoſe Empire is uſually taken for the firſt Monarchy of the World. As to his Right to this Title, it could be but by Uſurpation, with the Help of thoſe that ſubmitted to him; or by Ceſſion from his Progenitors, the latter of which can never be prov'd. That he had it not by Primogeniture is evident, his Great-Grand-Father, Grand-Father, and Father, being all alive at the ſame time (*Gen.* 10.); nor is there any ground to pretend, that he had it by God's immediate Appointment, ſince he was of the curſed Race of *Ham*, who was his Grand-Father. He is called a Mighty Hunter, which Word Expoſitors differently interpret; ſome think, that his Courage and Skill in delivering the Country from Beaſts of Prey, that deſtroy'd the Inhabitants, made the People chooſe him for King; but others (which is more probable) think, that under pretence of Hunting, *Nimrod* aſſembled a Parcel of bold Fellows, and by their Aſſiſtance ſet himſelf up: This St.

Auguſtins

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Auguſtine ſeems to favour, who converts the Word *ante* by *contra*, affirming therein that *Nimrod* was a Mighty Hunter againſt God: *Sic ergo intelligendus eſt Gigas ille, Venator contra Deum*; ſo is that Giant to be underſtood, an Hunter againſt the Lord. When *Nimrod*'s Kingdom began is not enough certain, tho' the common Opinion will have it full equal with the Time of the Diviſion of the Earth. But thus much of *Nimrod*, who was a Tyrant, and whoſe Reign was founded and eſtabliſh'd in Violence.

(1) *Adam*]

CHAP. II.

Of the Nobility of the Firſt Age.

I Dare, contrary to the common receiv'd Opinion, affirm Nobility Dative to have been before, and more Excellent than Nobility Native; Example being taken even from *Adam* (1) himſelf, whom all Men know to have been made, not born, and verily to have been a Nobleman (if any other) as form'd by God (2) to the Image (3) of himſelf, endow'd with all good Gifts, and made Lord and Sovereign Ruler of all Creatures, yea, even of the whole World.

But

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(1) *Adam* (From whoſe Loyns ſprung the whole Race of Mankind) was immediately produc'd by God the 6th Day

of the Creation, his Body having been form'd out of the Duſt of the Earth, or (according to the Signification of the Word *Adam*) of *Adamath*, or (as *Selden*) *Odamah*, of red Earth, or *ex limo terræ*, out of the Slime of the Earth, or a mix'd Matter of Earth and Water. *Non ex qualibet Humo, ſed ex ghaphar Adamath (id eſt) ex pinguiſſima & molliſſima.* Not that God made an Image or Statue of Clay, but out of Clay, Earth, or Duſt, God form'd and made Fleſh, Blood and Bone, with all Parts of Man. God breath'd a Spirit of Life in his Noſtrils, *i. e.* He animated him, and made that Compound that is call'd Man, comprehending an Organical Body and a Rational Soul. *Adam* was the Father of *Cain*, *Abel*, and afterwards of *Seth*, and of divers other Sons and Daughters, whoſe Names are not known, and died at the Age of 930 Years, in the Place (as the Fathers very commonly believ'd) where *Jeruſalem* was built ſince, and was buried on a neighbouring Hill, call'd *Golgotha*, or *the Place of a Skull*, which is that where our Saviour was crucified. 'Tis probable enough that he had a vaſt Science, *i. e.* that he knew all Things, and that he was exceeding Beautiful. (Bayle's *Hiſt. and Crit. Dict. Sir* Walter Rawleigh's *Hiſt. of the World, the Firſt Book of the Firſt Part, Chap. II. Sect. the 3d.*)

(2) *God.*] The Name of the Almighty, Maker and Creator of all Things, is generally, in all this great and ſpacious Tongue (*i. e.* the *Teutonick*) call'd God, and from the Word God is deriv'd the Word Good. See now how aptly this accordeth, and how the Signification of this Word doth alſo ſhew the Coherence thereof unto the chiefeſt Good, for that indeed all Good cometh from God. But the like Derivation, and proper Coherence, is not found in the *Latin*, between *Deus* and *Bonus*. (Verſtegan's *Reſtitution of decay'd Intelligence, Chap. VII. Of the Antiquity and Propriety of the Ancient* Engliſh *Tongue*, &c.)

(3) *Image of himſelf.*] When God ſaid (*Gen.* 1. 26.) *Let us make Man in our own Image, after our Likeneſs*, we muſt not think he meant the Body of Earth and Duſt; for God, who is a Spiritual Subſtance, Inviſible and moſt Simple,

But that Celeſtial Nobility he ſoon (alaſs! too too ſoon) loſt by heark'ning (1) to his Wife; and that Worldly Nobility, which he yet retain'd, being to his Children derived, began firſt in them to be Native, or Nobility by Birth. If any Man therefore conſiders *Adam*'s own Race and Progeny, he muſt needs confeſs all the Men of that Age to have been together Noble. But as in Man's Body, for the Preſervation of the whole, divers Functions and Offices of Members are

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Simple, Eternal and Infinite, a Juſt God and Merciful, who is all Charity, and (in a Word) Goodneſs it ſelf, and none elſe ſimply Good (all which God himſelf hath been pleas'd to teach us, and make known to us of himſelf) hath not any bodily Shape or Compoſition. *Deus non eſt humanæ formæ particeps, neque corpus humanum divinæ* (ſaith *Philo*) it being both againſt his Nature and his Word; and to imagine that he is a Corporeal Subſtance would be an Error contrary to the very Eſſence and Majeſty of God. Nay, *Maledictus* (*ait S.* Auguſtinus *in* Geneſ.) *qui Deitatem ad Hominis Lineamenta refert.* But by the Words of the Text God meant the Soul, the Intellect, and the Mind of Man. From whence we muſt conclude, that it is neither in reſpect of Reaſon alone (by which we diſcourſe) nor in reſpect of the Mind (by which we live) nor in reſpect of our Souls ſimply (by which we are immortal) that we are made after the Image, Similitude, or Likeneſs of God; But moſt ſafely, and without falling ito a damn'd Error, may we reſemble ourſelves to God *in Mente*, and in reſpect of that pure Faculty which is never ſeparate from the Contemplation and Love of God. (Rawleigh's *Hiſt. of the World, Firſt Book of the Firſt Part, Chap.* II. *Sect.* I, II.)

(1) *Heark-*

are required; even ſo in that firſt Society of Men (as in all others) a Diſtinction of Perſons was neceſſary: Wherefore the firſt Commonwealth, which was of the Family of *Adam* and of his Children, conſiſted wholly of Noblemen, *viz.* Of the Children of one Father, and he a King (2), a Prophet (3), and a Prieſt; but yet not all to be with like Honour reverenc'd. For he, that firſt Houſholder, as it were by the Decree of Nature, gave the Pre-eminence and chief ☞ Place to his firſt-begotten Son, ſo long as he kept the Right of his Birthright; which Order other Families afterwards following, conſtantly obſerv'd: So that he who was firſt by Nature, ſhould be accounted alſo firſt in Honour. ☞Yet nevertheleſs was it altogether lawful for the Father of the Family to make Choice of his own Children, that ſo, according to every one of their Deſerts, he might beſtow upon them Honours, or take them from them.

Of

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(1) *Heark'ning to his Wife.*] God having made Man (the laſt and moſt admirable of all his Works to us known) plac'd him in a fine Garden (commonly call'd the Terreſtrial Paradiſe, or the Garden of *Eden*) and to qualify him to impoſe a Name on the Beaſts, made them all come to him; afterwards caſting him into a profound Sleep, took a Rib from him, of which he made a Woman, and brought

her to him, that ſhe might be his Wife. *Adam* knew that ſhe was Bone of his Bones, and Fleſh of his Fleſh, call'd her Woman, becauſe ſhe was taken out of Man, and liv'd with her without being aſham'd to ſee one another naked. Of every Tree which this Place of Pleaſure and Delicacy afforded, they might freely eat, one only excepted, *viz.* the Tree of Knowledge of Good and Evil (ſo call'd, not from any ſelf Virtue or Quality that the Fruit of that Tree had to create ſuch Knowledge in *Adam* by the Taſting thereof, as if he had been Ignorant before, but from the Experience of Good and Evil by the Event) and that God had forbid them to Taſte of on Pain of Death. Hence 'tis evident, that God gave to Man in his Creation a Free, and unconſtrain'd Will, beſtowing on him the liberal Choice of all Things, with one only Prohibition, to try his Gratitude and Obedience. This was the State of our firſt Parents, pure and uncorrupted; a State as happy as could be here below, till they had violated the Prohibitions God had laid upon them. 'Twas the Woman that diſobey'd God's Command firſt: For being ſeduc'd by the vain Lies and fair Promiſes of the Serpent (the moſt ſubtle, tho' ugLieſt Beaſt of the Creation) ſhe ventur'd to taſte of the Forbidden Fruit, and ſollicited her Husband to taſte of it alſo. God came and pronounc'd the Puniſhment that he would inflict upon them for their Diſobedience in the Words following, ſaying to the Woman (who firſt ſinned) *I will greatly multiply thy Sorrow and Conception, in Sorrow thou ſhalt bring forth Children; and thy Deſire ſhall be to thy Husband, who ſhall rule over thee:* (Gen. 3. 16.) To *Adam, becauſe thou haſt hearken'd to the Voice of thy Wife,* &c. *curſed is the Ground for thy ſake; in Sorrow ſhalt thou eat of it all the Days of thy Life: In the Sweat of thy Face ſhalt thou eat Bread, till thou return unto the Ground, out of which thou waſt taken; for Duſt thou art, and unto Duſt thou ſhalt return.* (ver. 17, 18, 19.) God alſo expell'd them Paradiſe, and made them Cloaths of Skins. *Adam* call'd his Wife *Eve*, becauſe ſhe was the Mother of all Living, (v. 20.) and conſummated his Marriage, which he had not done before, tho' he had receiv'd the Nuptial Benediction from the Mouth of his Creator, and had his Orders drawn up, and notified in due Form, to Increaſe, to Multiply, and to Till the Earth, (chap. 1. ver. 28.) So that by *Adam*'s heark'ning to the Voice of his Wife, contrary to the expreſs Commandment of the Living God, Mankind by that her Incantation became the Subject of Labour, Sorrow, and Death (the Woman being given to Man for a Comfort and Companion, but not for a Counſellour). It may be ask'd (perhaps) what mov'd the Woman to that Diſobedience? Even a Deſire to know what was moſt unfiting for her Knowledge; an Affection which hath ever ſince remain'd in all the Poſterity of her Sex. As alſo what mov'd the Man to yield to her Perſwaſions? Even the ſame Cauſe which hath mov'd all Men ſince to the like Conſent, *viz.* an unwillingneſs to grieve her, and make her ſad, leſt ſhe ſhould pine and be overcome with Sorrow. But if *Adam* in the State of Perfection, and *Solomon* the Son of *David*, God's choſen Servant, and himſelf endu'd with the greateſt Wiſdom, did both of them diſobey their Creator, by the Perſuaſion, and for the Love they bare to a Woman; it is not ſo wonderful as lamentable, that other Men in ſucceeding Ages have been allur'd to ſo many inconvenient and wicked Practices, by the Perſuaſions of their Wives, or other Beloved Darlings, who cover over and ſhadow many malicious Purpoſes with a counterfeit Paſſion of diſſimulate Sorrow and Unquietneſs (*See the firſt three Chapters of* Geneſis. Bayle'*s Hiſt. and Crit. Dict.* Rawleigh'*s Hiſt. of the World, the Firſt Book of the Firſt Part, Chap.* II. *Sect.* VI. *Chap.* IV. *Sect.* IV.)

(2) *King.*] Under what time the Beginning of Kingdoms or the firſt King ſhould be plac'd, is (according to *Selden*) moſt uncertain. For, altho' in the Time before the Flood, there be no expreſs mention in the Holy Story of a King, and that the common Opinion be, that in *Nimrod* or *Belus* (Father to *Ninus*) the firſt Monarchy began after the Flood, yet there is reaſon enough to conjecture, that there were Kings alſo long before both him and the Flood. For beſides that *Cain*'s building of a City, and denominating it from his Son *Enoch*, ſeems to have a Character of a Kingdom in it, *Cedren*, inſtructed out of the Antients, goes as high here as poſſible, and makes *Adam* the firſt King and Governour, and that (as *Selden*'s expreſs Opinion is) with reaſon enough. He govern'd

(ſaith *Cedren*) or commanded all Mankind, as long as he liv'd, and *Seth* ſucceeded him in that Empire. Beſides, we ſee in thoſe of the following time, who have left us fuller Teſtimonies of particular Forms of Government, that Monarchy hath continually been, and to this Day is not leſs generally admitted and eſtabliſh'd in all Nations, than as if it were deriv'd out of the Law of Nature, which doubtleſs was not leſs follow'd in thoſe many Ages before *Nimrod*, than it hath been ſince him. And thence is it that divers good Authors have without Queſtion ſuppos'd the Monarchick Government both to have been preſently upon the firſt Times; and alſo, that in the Frame of Nature itſelf, Man, as a civil Creature, was directed to this Form of Subjection. *Principio rerum* (ſaith *Juſtin*) *Gentiúmque imperium penes Reges erat, quos ad Faſtigium hujus Majeſtatis non Ambitio popularis, ſed Spectata inter Bonos Moderatio provehebat*; And *Seneca* to the ſame Purpoſe, *Primi Mortalium, quique ex his geniti, naturam incorruptam ſequebantur, eandem habebant & Ducem & Legem, commiſſi melioris arbitrio; Naturæ eſt enim potioribus deteriora ſubmittere.* As if the ſole Obſervation of Nature had neceſſarily led the Affections of Men to this kind of State; whence it is alſo, that while others of the moſt curious in their Philoſophy tell us of the Angels, and the Supream Heavens being immediately govern'd by the firſt Maker of all Things, of the Planets and other Stars being held by the Sun, and of ſeparated Souls, and the Air being ſubject to the Moon, they add together; that upon Earth, Kings are in like ſort Governours, as if natural Reaſon had firſt ordain'd them on Earth by an unavoidable Imitation of the Creator's Providence, us'd in that Inſtitution of a Monarchy or Government in the Air, Stars, and Heavens. Neither do the antienteſt *Gentiles* otherwiſe ſpeak of thoſe elder Times, than with a clear Suppoſition of Monarchy, even in the Infancy of the World: Thoſe Kingdoms of *Saturn*, *Jupiter*, *Neptune*, *Pluto*, and the like, fully denoting as much. For under thoſe Names applied to diſtinct Kingdoms, not Gods, but the Monarchs of Land and Sea in the firſt Times were underſtood. (*Tit. Hon.*)

(3) *Prophet.*] The Word Prophet comes from the *Greek* Προφήτης, which ſignifies a Teller of Things to come. Such an one we ought to believe was *Adam.*

(1) *Villages.*

Of the great number of *Adam*'s Progeny, and the Diſcord of the Brethren amongſt themſelves, at length aroſe the Diviſion of Families, and ſo conſequently the Uncertainty and Forgetfulneſs of Kindred, with deadly Hatreds and Fallings-out beſides. By War the change of Mens Eſtates and Conditions, and Servitudes were uſher'd in; the vanquiſh'd, of Noble became baſe and ignoble, and *è contrà*, the Victors of baſe Perſons became Noble. Men for the Preſervation of themſelves have out of Families aſſembled together into Villages (1), out of Villages into Cities (2), and out of Cities have grown together into Provinces, and ſo into vaſt Kingdoms. In Dangers and Diſtreſſes, according to the Rule of Reaſon, wiſe Men were call'd upon for their Counſel, valiant Men for their Aid and Defence; to whom as to Men moſt worthy, the Government was committed; whereas the reſt, without any difference, were compell'd to obey, no regard being had to their Stock or Kindred.

That

(1) *Villages.*) A Village, *Latinè*, *Villa*. Græcè ἐπαύλις, ἐνοίκιον, χωρίον, *dict. à vehendo*, *qu. vehilla*, *quòd in eam à villico fructus convehantur*, *&* *evehantur*, *cum veneunt*; *à villo*, i. e. *Aggere terræ*, *quod pro limite conſtitui ſolet*; *à vicus vicula. dim. villa.* Coke *ſaith*, *Villa eſt ex pluribus manſionibus vicinata*, *&* *collata ex pluribus vicinis*, Inſtitu. I. Fol. CXV. Spelman *ſaith*, *Villa apud Saxones noſtros antiquos Romano ſenſu accipi videtur*, *pro prædio unius alicujus in Rure*, *cum idoneis Ædibus ad reponendos ejuſdem fructus honeſtato. Non autem primitùs pro multarum manſionum connexione*, *quod in oppidis potiùs expectandum eſſet*, *&* *ſucceſſivis temporibus villis poſteà introductum eſt.*

Vicus. ῥύμη, Ἄμφοδος, *quòd per vices*, i. e. *Ordines Ædificia collocantur*; *vel quòd ſit vice civitatis*; *vel quod vias habeat tantum ſine muris*; *ab* οἶκος *domus.* *Coke* ſaith, it is called *vicus*, becauſe it is *propè viam.* Inſtit. I. Fol. CXV.

Pagus, *à* Πάγος *collis*, *quia primitùs in colle*, *ſecuritatis cauſâ Ædificia extruxere*; *vel ut aliqui à* πηγὴ *Fons.*

(2) *Cities.*) A City, *Latinè Civitas*, *Græcè* πολιτεῖον, πόλις, *à civis*, *quod à cieo vel cio*, *ut à ciendo Concio*, *à* τῷ καλεῖν ἐκκλησία; *quod in unum quaſi vocentur Corpus. Al. à coeo* (*undè* *&* *Cætus à coitu*) *quaſi coivis. Cives Vocati*, *quòd in unum coeuntes vivant*, *ut vita communis* *&* *ornatior ſit* *&* *tutior. Aliq. civitas dicitur jus civium. Cætus hominum jure ſociati*, *qui civitates appellantur.*

Urbs. Ἄστυ. πόλις. *ab Orbe*; *quod antiquæ civitates in orbem fiebant*; *vel ab urvo*, *vel urbo*, *parte aratri quo muri deſignabantur. Antiqui enim Hetruſco more in urbibus condendis*, *junctis tauro* *&* *vacca*, *ſulcum Aratro circumagebant*, *intra quem urbem ædificarent.*

Civitas *&* *urbs in hoc differunt*, *quod incolæ dicuntur civitas*, *urbs verò complectitur Ædificia*; but with us the one is commonly taken for the other. *Co. Inſtitu.* I. Fol. CIX.

Cities were conſtituted (and ſo it was declar'd in the Time of *W. I.* the pretended Conquerour) for three Purpoſes. I. *Ad conſuetudines Regni noſtri*, *&* *jus noſtrum commune*, *&* *dignitates coronæ noſtræ conſervand.* II. *Ad*

Tuitionem gentium & populorum Regni. III. *Ad Defenſionem Regni*; *i. e.* Firſt, for Conſervation of the Laws, whereby every Man enjoyeth his own in Peace: Secondly, for Tuition and Defence of the King's Subjects, and for keeping the King's Peace in Time of ſudden Uproars: And laſtly, for Defence of the Realm againſt outward or inward Hoſtilities. *Ibid.* *Cowel* (in his *Interp.*) ſays, *Civitas* is ſuch a Town corporate as hath a Biſhop and Cathedral Church; of which it is ſaid thus; The ſame Place is in *Latin* call'd *Urbs*—— *Civitas*, & *Oppidum.* It is nam'd *Civitas*, in regard it is governed in Juſtice, and Order of Magiſtracy. *Oppidum*, for that it contains a great number of Inhabitants: (And *Oppida* are ſo call'd either *ab Opponendo ſe Hoſtibus*, becauſe Walls were oppos'd againſt Enemies; or *ab Opibus*, becauſe thither they gather'd their Riches for Safety and Defence) and *Urbs*, becauſe it is in due Form begirt about with Walls.

(1) *Seth.*]

That theſe Things were thus in the *Jewiſh* State and Common-wealth, is to all Men manifeſt, which are eaſily read in the old Teſtament. Firſt, that Principality and Prerogative were given to the Firſt-begotten, will eaſily be underſtood, if it be diligently conſider'd, that when *Adam*, by reaſon of his great Years, was not able longer to attend to the Government of the Church, and of the Common-wealth, *Seth* (1) was made Governour, who then held the Place of the Firſt-begotten. To *Seth* even for the ſame Cauſe, ſucceeded *Enoch* (2), to *Enoch*, *Conan*; to *Conan*, *Mahaleel*; to *Mahaleel*, *Jered*; to *Jered*, *Canoc*; to *Canoc*, *Methuſehel*; to *Methuſehel*, *thuſebel Lamech*; *to Lamech Noah* (3), who ruled over his Progeny 110 Years after the Deluge (4), at which time the diſperſing of his Poſterity happen'd; which Diſperſion being made, every one of them reckon'd himſelf as Prince (5) of his own Family; which Pre-eminence paſs'd ſtill to the Firſt-born of that Stock and Family; ſo that the Firſt-begotten of the Principal Family ſtill held the ſame.

Neither

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(1) *Seth.*] The third Son of *Adam* did not come into the World till after *Abel* had been kill'd by *Cain.* His Birth being A. M. 131. He was an Imitator of his Father's Piety; and his Children took Pattern by him; for which reaſon they are call'd in Scripture the Children of God, in Oppoſition to thoſe of *Cain*, who are call'd the Children of Men. He was the Father of *Enos*, and died A. M. 1042. Aged 912 Years. *Seth* in *Teutonick* always pronounc'd *Set*, is as much as to ſay, *poſitus*, *i. e.* ſet or plac'd in the room or ſtead of another; *viz.* of his righteous Brother *Abel*, whom *Cain* ſlew. (Verſtegan's *Reſtitution of Decay'd Intelligence.*)

(2) *Enoch.*) *Henoch*, albeit of ſome ſo written, yet is pronounc'd *Enoch*. *E* ſignifieth Law or Equity, *noch* is as much as to ſay *as yet again*; ſo as in this Name ſeemeth to be expreſs'd, and foretold, a Time of Equity or Juſtice, which was yet to come. The Bearer hereof walking (while here he liv'd) in Equity before God, was by him accordingly rewarded, by being extraordinarily taken away from this unrighteous World. (*Verſtegan.*)

(3) *Noah.*] A Name ſignifying reſt; he being reſerv'd to repoſe after the raging Flood. (*Id. Chap.* VIII. *Page* CCLXXV.

(4) *Deluge.*]

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(4) *Deluge.*] Of this deſtruction it pleas'd God to give warning unto *Noah*; who (ſaith *Joſephus*, l. 1. c. 4.) fearing to periſh among the reſt, *Decedens cum ſuis in aliam Regionem migravit*: And of theſe Giants, from whom *Noah* withdrew himſelf, *Beroſus* writeth in this manner; That they exceeded in all ſorts of inhumane and unnatural Wickedneſs; and that they were *contemptores & Religionis & Deorum.* Among which mighty Men (ſaith *Beroſus*) *unus erat qui Deorum venerator & prudentior cunctis*, &c. *Huic nomen erat* Noah: who with his three Sons, *Sem*, *Japhetus*, *Cham*, and their Wives, and the Wife of *Noah* (viz. *Titea* the Great, *Pandora*, *Noela*, and *Noegla*) preſerv'd themſelves in the Ark. This Ark God commanded *Noah* to prepare: And God ſaid unto *Noah*, *Make thee an Ark of Pine Trees: Thou ſhalt make Cabins in the Ark, and ſhalt pitch it within and without with Pitch.* (Geneſ. 6. 14. ver. 13.) For God made *Noah* to know, that an end of all Fleſh was at Hand, and that the Graves of the rebellious and cruel Generations were already faſhion'd in the Clouds, which ſoon after ſhould ſwallow up and cover all living Creatures, which breath'd in the Air, *Noah* and his Family excepted.

But this univerſal Grave of Waters, and general Deluge hath not been receiv'd by all; for divine Teſtimonies do not perſuade all natural Men to thoſe Things, to which their own Reaſon cannot reach; *dum obvoluta in obſcuro veritas latet.* (Lact. in Præf. de falſâ Religione.) Many there are who have diſputed againſt the univerſality of this Over-flowing, and have judg'd that this Flood of *Noah* fell but in ſome particular Places and Kingdoms; mov'd ſo to think, becauſe in elder Ages there have been many other Floods (as they ſuppoſe) of that Nature. Hereof *Nicholas Damaſcenus* writeth, whoſe Words are to be ſeen, cited by *Joſephus*, (*Archæol.* l. 1. c. 4. *Euſeb. de præp.* l. 9. c. 4.) And of this Opinion were the *Talmudiſts* (ſaith *Annius.*) But *Beroſus* (who, after *Moſes*, was one of the moſt Antient, howſoever he hath been ſince deform'd and corrupted) doth in the Subſtance of all agree with *Moſes*, as touching the general Flood, taking from thence the beginning of his Hiſtory in theſe Words. *Ante Aquarum cladem famoſam, qua univerſus perijt orbis.* &c. witneſsing withal, that *Noah*, with his Wife *Titea*, and his three Sons with their Wives (in all eight Perſons) were only ſav'd.

But from the Vanity of the *Greeks*, the Corrupters of all Truth (ſaith *Lactantius*) who without all Ground of Certainty, vaunt their Antiquity, came the Error firſt of all, who therein flattering themſelves alſo, ſought to perſuade the World that there was no Flood preceded that of *Ogyges*, King of the *Thebans* in *Bœotia*, or rather of *Attica*, and therefore (ſaith *Rhodiginus*, *lib.* 15. *cap.* 33.) *Ogygium id appellant Poetæ, tanquam pervetus dixeris ab* Ogyge *vetuſtiſſimo.* But let *Ogyges* be as antient as thoſe Men can make him, yet it is manifeſt, that he liv'd but in *Jacob*'s Time (tho' *Euſebius de Præp. Evangelica lib.* 10. *cap.* 3. makes him later, and in *Moſes*'s Time) and was born 67 Years after him: There is alſo an Opinion, that *Ogyges* was *Cadmus*, (and then was he far later) as *Rhodiginus* in the 9th Book of his Antiquities. *Cap.* 22. remembreth.

But this Flood of *Ogyges* fell in the Year of the World 3340 according to *Euſebius*, who follow'd the Account of the *Septuagint*, and the Flood of *Noah* in the Year 2242, after the ſame Account, and ſo there came 1200 between theſe Floods, wanting but two, tho' herein *Euſebius* was much miſtaken, and corrected this Opinion in his Chronology: Now altho' the very Year and Time of this Overflowing in *Achaia*, or rather *Attica*, be not preciſely ſet down, but that there is a great difference among Writers; yet whoſoever makes it moſt antient, finds above 500 Years difference between that and the general Flood.

For *Paulus Oroſius* affirms, (*lib.* 1. *cap.* 7.) that this Tempeſt fell upon the *Athenians* but 1040 Years before *Rome* was built: *Bucholzerus* ſaith it was 1043 elder than *Rome*, which was founded (according to the ſame *Bucholzerus*) in the World's Year 3219, tho' after the Account which I follow, it was built in the World's Year, 3280. Now, the general Flood preceded the Building of *Rome* (ſaith *Bucholzerus*) 1563 Years; and the Flood of *Ogyges* (as before) 1043: Hence it followeth by eaſy Calculation, that (if he place *Ogyges* in his true Age) the difference between theſe two Floods muſt be 520 Years, to which we allowing 60 more, find 580. And that this of *Ogyges* was not the ſame with *Noah*'s (except we call *Noah*, *Ogyges Priſcus*, as ſome do) it appears by this, that the Flood of *Ogyges*, then King of *Attica*, or *Ogygia*, did not extend itſelf any farther than the Banks of the *Archipelago*, or *Ægean* Sea. For whereas *Mela*, (*lib.* 3.) *Pliny*, (*lib.* 5.) *Solinus*, (*cap.* 47.) witneſs, that the City of *Joppe* in *Judæa* was founded before the Flood, and that (notwithſtanding the height of Waters) there remain'd on certain Altars of Stone, the Title of the King and of his Brother *Phineus*, with many of the Grounds of their Religion: Sure it is no where found among prophane Hiſtorians, nor in the Scriptures, that ever the Flood of *Ogyges* ſpread itſelf over any part of *Syria*, much leſs over all the Earth: but that it drown'd both the Regions of *Attica* about *Athens*, and that of *Achaia* in *Peloponneſus*, it is very probable. One thing herein is worthy to be noted, that this great, but particular Flood of *Ogyges*, was (as St. *Auguſtine*, *de civit. Dei*. lib. 21. cap. 8. tells us) accompanied with ſuch unuſual (and therefore the more dreadful, tho' natural) Signs, teſtifying the Concurrence of Cauſes with Effects in that Inundation. Whereas the Flood of *Noah*, which was general, and altogether miraculous, may ſeem to have had no other Token, or Foreſhewing, than the long preaching of *Noah* himſelf, which was not regarded: for they were eating and drinking when the Flood came ſuddenly and took them all away, (*Luke* 17. ver. 27.) *Sir* Walter Rawleigh's *Hiſt. of the World, the Firſt Book of the Firſt Part, Chap.* VII. *Sect.* I, *and* II.)

This worthy Author, (in *Sect.* III, IV. following) gives us a Deſcription of a ſecond Flood of great Fame, *viz.* That of *Deucalion* in *Theſſalia*, proving at the ſame Time, that this was not *Noah*'s Flood, nor the *Umbri* in *Italy* a Remnant of any univerſal one; citing alſo ſome other Records, teſtifying the univerſal Flood of *Noah*; mentioning two antient Deluges in *Egypt*, and ſome elſewhere; earneſtly exhorting us to rely upon the Scriptures in what relates to *Noah*'s Flood, not upon vain Fables and falſe Traditions: To which Sections I refer the Reader, and ſhall for the Purpoſe paſs on to the 5th Sect. which maintains the Flood of *Noah* was Supernatural, tho' ſome ſay it might have been foreſeen by the Stars. Now, howſoever all theſe Floods, (*viz. Ogyge*'s, *Deucalion*'s, and the two antient Deluges in *Egypt*, ſaith our Author) and many other, which have cover'd at ſeveral Times, ſeveral Regions, not only in theſe Parts of the World, but in *America* alſo, as I have learn'd of ſome antient Soothſayers among them, may be aſcrib'd to natural Cauſes and Accidents; yet that univerſal Flood, in the Time of *Noah*, was pour'd over the whole Face of the Earth, by a Power above Nature, and by the eſpecial Commandment of God himſelf; who at that Time gave Strength of Influence to the Stars, and abundance to the Fountains of the Deep; whereby the Irruption of Waters was made more forcible than any Ability of Nature could effect, or any ſecond Cauſes, by whatſoever union, could perform, without receiving from the Fountain of all Power, Strength and Faculties. *Henricus Machlinienſis*, a Scholar of *Albertus Magnus* (in his Commentaries upon the great Conjunction of *Albumaſar*) obſerveth, that before the Flood of *Noah*, the like Conjunction of *Jupiter* and *Saturn* happen'd in the laſt Degree of *Cancer*, againſt that Conſtellation, ſince call'd the Ship *Argos*; by which the Flood of *Noah* might be foretold, becauſe *Cancer* is both a watry Sign, and the Houſe of the Moon, which is the Lady of the Sea, and of Moiſture, according to the Rules of Aſtronomy and common Experience. And this Opinion *Petrus de Aliaco* (upon *Gen.* 7. 11.) confirmeth, affirming, that altho' *Noah* did well know this Flood by divine Revelation yet, (this Conjunction being notorious) he could not be ignorant of the ſecond Cauſes thereof; for thoſe were not only Signs, but alſo working Cauſes, by Strength receiv'd from the firſt Cauſe, which is God himſelf. And further, that by *Catarractæ Cœli* (Engliſh'd, the Windows of Heaven) *Moſes* meant this great and watry Conjunction, the Word *Catarractæ* ſignifying flowing, or coming down. (The Word *καταράκτης vel. καταῤῥάκτης*, properly ſignifieth any Place of Stoppage, againſt which the Force of Water being naturally carried downwards, daſheth and breaketh; of *ἀράσσω allido, vel frango*. Hence becauſe Windows do not only open, but alſo ſhut, the Word hath been expounded Windows for Bars or Flood-Gates.) Now (ſaith *P. de Aliaco*) it pleas'd God to ordain by the Courſe of the Heavens, ſuch a Conſtellation, by which all Men might behold their Deſtruction towards, and thereby forſake thoſe wicked Ways, wherein they walk'd, and call unto God for Mercy.

Of this Judgment was *Guil. Pariſienſis*, who underſtood, that the Words *Catarracta Cœli*, or Windows of Heaven, were to be taken for the former Conjunction, or for thoſe watry Signs, *Cancer*, *Piſces*, *Pleiades*, *Hyades* and *Orion*; and of the Planets, *Mars*, *Venus*, and the *Moon*, which are the forcibleſt Cauſes of the greateſt Inundations.

But in a Word, as it might pleaſe God, that in the Courſe of his unſearchable Wiſdom, this Conjunction ſhould at ſome times be, ſo did he (as aforeſaid) add Vigour and Faculty, and gave to every Operation increaſe of Virtues, violent eruptions to Springs and Fountains, commanding them to caſt out the whole Treaſure and Heap of their Waters; taking retention from the Clouds, and condenſing Air into Water by the Miniſtry of his Angels, or whoſoever elſe beſt pleas'd his All-powerfulneſs. (*Id. ibid.*)

(5) *Prince.*] After *Nimrod*, or rather in his Age (if it jumps exactly with the Time of the Diviſion of the Earth, as the common Opinion will have it) there was ſo general a Propagation of the Title of King, or Supream Prince over the Earth, that there is ſcarce a Nation, whereof there is Memory in thoſe Ages, without a King or Prince, or Monarch, by name aſſign'd to it. For in the Holy Memories of that Diviſion among the Poſterity of *Noah*, we ſee that the Earth was ſo divided, that the Heads of Families took their ſeveral Parts according to their Language, and according to the Families in their Nations. (*Geneſ.* 10.) And they which are named there, were doubtleſs the Kings or Supream Princes of the Nations of which they were Authors. And in that Diviſion (which, as it hath relation to the more *Eaſtern* and *Southern* Parts in *Sem* and *Cham*, is ſomewhat clear in *Moſes*'s Expreſſion of it) the Parts of *Japhet* alſo, and his Poſterity, as of *Gomer*, *Magog*, *Madai*, and the reſt, with their Kingdoms, are in antient Teſtimonies of the *Greek* Church extended by expreſs Words, from the *Northern* Parts of *Aſia* into this

Iſland of *Great-Britain*, and the neighbouring Countries. For ſo they interpret that of *Moſes*, where he ſays, that the Iſles of the Nations were divided by them, (*Gen.* 10.) Hence appears the Antiquity of the Titles of King and Prince.

(1) *Pa-*

Neither ought any Man to doubt that every one of the Patriarchs (1) ruled as chief Men over their own Tribes and Families till the Government of the whole People was delivered over to *Moſes* (2). But concerning *Moſes* himſelf you may read (3), that he and *Aaron* (4) gather'd together all the Elders (5) of the Children of *Iſrael* (6) which was the firſt Aſſembly (7). The Lord commanded ſeventy of the Elders of the Children of *Iſrael* to come unto him together with *Moſes*, which ſeventy (in the ſame Chapter, ver. 11.) are as it were by a known Name call'd Nobles, or chief Perſons of the Children of *Iſrael*. Beſides, *Moſes* being oppreſs'd with the Multitude of Suits, following the Counſel of *Jethro* (8) choſe out of the People certain Captains of thouſands, who ſhould bear rule over a thouſand Families; others of hundreds, who commanded over a hundred; others of fifties, who had the command over fifty; and others of tens, who had rule over ten; and determin'd their leſſer Suits and Controverſies.

(1) *Patriarch*] Comes from the *Greek* Word, Πατριάρχης, *i. e.* the firſt chief Father. Thus they call'd at firſt all the Heads of their Generations, mention'd in the old Teſtament, from *Adam* to *Jacob*; which Name hath ſince been given to the Biſhops of the Churches of *Alexandria*, *Antioch*, *Jeruſalem*, *Conſtantinople*, and *Rome* alſo. The five Principal at *Rome* are there call'd Patriarchal, which are thoſe of St. *John de Lateran*: St. *Peter* of the *Vatican*; St. *Paul*, without the City; St. *Mary* Major; St. *Etienne*, and St. *Lawrence*.

(2) *Moſes.*] A Prophet and Lawgiver of the *Jews*, Son of *Amram* by *Jachabed*, born after his Siſter *Miriam*, and his Brother *Aaron* in 2464 of the World, 808 after the Flood, and 408 after *Abraham*. An Order being iſſu'd out from the King of *Egypt*, commanding the *Hebrew* Male-Children to be kill'd; *Jachabed* hid him three Months, but for fear he ſhould be diſcover'd, ſhe truſted to Providence, and expos'd him on the River *Nile*, in a Place where *Thermutis*, *Pharaoh*'s Daughter us'd to bathe. The Princeſs finding him, and *Miriam* his Siſter asking her, if ſhe would have a *Hebrew* Nurſe for him, lik'd it; and the Child was deliver'd to his own Mother. Three Years after he was carried to the Princeſs, adopted by her, and nam'd *Moſes*, ſignifying (in the *Egyptian* Language) ſav'd out of the Water. Great care was taken of his Education, and being endued with good Natural Parts, he quickly arriv'd to a Perfection in all the *Egyptian* Sciences. The Scripture ſaith, that *Moſes* at 40 Years of Age, left *Pharaoh*'s Court to viſit his Brethren, and that he ſlew an *Egyptian* abuſing an *Iſraelite*, which made him retire into the Deſarts of *Midian*, where he married *Zipporah*, the Prieſt *Jethro*'s Daughter, King of *Arabia*, and had two Sons by her, *Gerſhom* and *Eleezer*, A. M. 2544, 887 after the Deluge, and the 80th of *Moſes*'s Life. He having ſpent 40 Years with his Father-in-law, God's Glory appear'd to him in a Burning Buſh, going towards *Horeb*, betokening thereby his intention to make him his Inſtrument of delivering his People, the *Iſraelites*, from their *Egyptian* Bondage: which *Moſes* out of Modeſty, deſiring to be excus'd from, God made uſe of his Authority to ſet aſide

his Allegations, changing his Rod into a Serpent, and the Serpent into a Rod again; made his Hand leprous, and cur'd it by the ſame Application.

Then he gave him his Brother *Aaron* to be his Interpreter. In Order therefore to execute God's Commiſſion, he went immediately to *Pharaoh*, and demanded that the *Iſraelites* might go out and Sacrifice to the Lord their God (the only true God.) *Pharaoh* laugh'd at him, and his Rod turn'd into a Serpent, becauſe his Magicians did the like, and by his Hardneſs of Heart occaſion'd the 10 Plagues of *Egypt*. After which he let them depart, A. M. 2545, to whom God making the Red-Sea paſſable, *Moſes* conducted them into the Deſart, where, after many Miracles, he receiv'd the Law on Mount *Sinai*, and ſtaying there once 40 Days and Nights, he found at his return, the People adoring a Golden Calf, puniſh'd the moſt Seditious, and obtain'd God's Pardon. Afterwards he appointed all things appertaining to the Tabernacle and Conſecration of Prieſts, following the Pattern in the Mount. Being near *Nebo*, God commanded him to go to the Top of that Mountain, whence he had a View of the Promis'd Land, and dy'd without Pain or Sickneſs in the 120th Year of his Age, A. M. 2584. He was buried (according to Holy Writ) in a Valley of the Land of *Moab* over-againſt *Beth-Peor*; and the Place of his Sepulchre is unknown. The *Iſraelites* mourn'd 30 Days for him. The Book of *Eccleſiaſticus* is full of the Praiſes of this Holy Man, and *Philo* writ his Life in three Books. The written Works attributed to him are, the Book of *Job*, and the five Books call'd the *Pentateuch*, viz. *Geneſis*, *Exodus*, *Leviticus*, *Numbers*, and *Deuteronomy*. What is ſaid of his Rod is curious, but muſt be omitted here for want of room.

(3) *Exod.* 4. 29.

(4) *Aaron.*] The ſame with a Mountain, was the firſt High Prieſt of the *Jews*, the eldeſt Son of *Amram*, of the Tribe of *Levi*, and Brother to *Miriam* and *Moſes*. He was, by God's appointment, the Interpreter of his Commands between *Moſes* and *Pharaoh* King of *Egypt*. Afterwards he was conſecrated High-Prieſt by God's appointment, at which Ceremony Fire deſcended from Heaven, *&c.*

&c. He had 4 Sons, *viz. Nadab*, *Abihu*, *Eleazar*, and *Ithamar*. The two firſt were ſtruck with ſuddain Death in the Tabernacle, for neglecting the ſacred Fire ordain'd for the Incenſe of the Temple, and making uſe of ſtrange Fire in their Cenſers. He died on Mount *Hor*, on the firſt Day of the Month *Ab*, which partly anſwers our *July*, in the 123d Year of his Age, and A. M. 2583. *Exod.* 3, 4.

(5) The Word *Elder* was always us'd both for the Magiſtrate, and for thoſe of Age and Gravity, the ſame bearing one ſignification almoſt in all Languages. For the *Hebrew* beareth the ſame Senſe with the *Latin* Word *Senes* or *Seniores*. So it is written in the 11th of *Numbers*, in *Suſanna*, and in *Daniel*. *Demoſthenes* uſeth the ſame Word for the Magiſtrate among the *Grecians*. *Cicero* in *Cato* giveth two Reaſons for this Appellation. *Apud Lacedæmonios qui ampliſſimum gerunt Magiſtratum, ut ſunt, ſic etiam appellantur, ſenes*, *i. e.* among the *Lacedæmonians* the chief Magiſtrates, as they were, ſo they are call'd Eldermen: And again, *Ratio & Prudentia*, *niſi eſſent in Senibus*, *non ſummum concilium majores noſtri appellâſſent Senatum*; If Reaſon and Adviſement were not in old Men, our Anceſtors had never call'd the higheſt Council by the Name of Senate.

(6) *Iſrael*] A Name given to the Patriarch *Jacob*, by the Angel, after he had wreſtled with him, and ſignifies a Prince of God. Hence his Poſterity were call'd *Iſraelites*, (*Gen.* 32. from Verſe 22, to 29.)

(7) *Exod.* 24. 1.]

(8) *Jethro.*] or *Raguel*, *Moſes*'s Father-in-law. He was a Prieſt in the Deſart of *Madian*, and call'd by *Artapanus* in *Euſebius* King of *Arabia*, the Royal Dignity being annex'd to the Prieſthood in this Country; *Moſes* married his Daughter *Zipporah*, who lived with him 40 Years. Afterwards this *Jethro* hearing of the Wonders which God did for his Son-in-law (*Moſes*) in delivering the *Iſraelites* out of *Egypt*, viſited him in the Deſart about 2545, and adviſ'd him to divide the People

into ſeveral ſub-diviſions, and appoint Colonels, Captains, and other under Officers to decide civil Controverſies, and command in the Field. (*Exod.* 4. 18.) (1) *Ce-*

Now that there were many Captains of thouſands, even in one and the ſelf ſame Tribe, appeareth from Holy Scripture; And theſe Men *Moſes* here and there calleth the Heads of the Fathers, the Heads of the Tribes, Princes and Heads of the Soldiers: And amongſt them were twelve chief Princes, eſpecially choſen of the twelve Tribes, who ſometimes were alone by themſelves elected for ſome ſpecial Commiſſion. But what manner of Men *Moſes* made Rulers over the *Iſraelites*, and what manner of Companions he choſe forth, as Aſſiſtants to himſelf in the Government of the Commonwealth, he of himſelf thus plainly witneſſes, Deut. 1. *And I ſpake unto you at the ſame Seaſon, ſaying, ‘I am not able to bear the Burden of you my ſelf alone; For the Lord your God hath multiplied you, and behold you are this Day as the Stars of Heaven in number,* &c. *Bring (from among you) Men of Wiſdom and Underſtanding, and Men known in your Tribes, that I may make them Rulers over you. And you anſwer'd me, and ſaid, That which thou haſt ſaid, is good for us to do.*

‘*And ſo out of the Tribes I took the Captains, Men of Wiſdom and Experience, and made them Rulers over you, Captains over thouſands and over hundreds,* &c. *and Officers amongſt your Tribes.* But we induc'd both by the Weight of the Words and by Reaſon, are oblig'd to conjecture, that *Moſes* being a wiſe Man, in this Election and Choice prefer'd Men for their Wiſdom and Experience, famous and well known, as well for the Gaining the Favour and Obedience of the People, as for the better Government of the Commonwealth; ☞ not at all regarding ſuch as boaſted only of the Prerogative of their Birth; for otherwiſe, inſtead of Helpers, he ſhould rather have aſſociated to himſelf the Perturbers of the publick Peace. Wherefore we are to look upon thoſe ſeventy Judges, by the Commandment of God appointed by *Moſes*, to have been of the Dignity of Senators; to whom ſome Men add two more, *viz.* *Moſes* himſelf and the High-Prieſt; as if ſix had been appointed out of every one of the Tribes.

By what therefore hath been already ſaid, it is evident, that as well Dative as Native Nobility hath been in uſe among the *Iſraelites*, and ſometimes even in one and the ſame Family paſs'd to the Firſt-begotten alone, or to ſome other, grac'd with ſome Office in ſome Family; whilſt the reſt, born of the ſame Stock, in the mean time ſtuck faſt within the Bounds of thoſe of the vulgar State and Condition. And concerning the Kings of the *Iſraelites*, it is to be thought alſo, as of the Kings of other Nations, that they, according to their Pleaſure, ennobled many, either by Reaſon or Affection moved and induced ſo to do. But now from the *Jews* let me paſs over to the *Gentiles*.

CHAP. III.

Of the Firſt Greek *Nobility.*

NOthing was ever more inconſtant than the *Greek* Commonwealth, with perpetual Changes ſtill floating up and down. The beginning of their Monarchy I (as moſt are wont) will no farther fetch than from *Cecrops* (1) the firſt, who (2) (its agreed almoſt on all Hands) was the firſt who gather'd together the poor Peaſants, diſpers'd up and down the Fields, and having united them into one Body (tho' not into one City, for that was not effected till many

Ages after) conſtituted amongſt them one Form of Government, and took upon himſelf the Title of a King. For (3) from the Time of *Ogyges* (4) to *Cecrops*, being the Space of 190 Years, they lived without any King at all.

(1) *Cecrops*

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(1) *Cecrops*, an *Egyptian* by Nation, was the firſt King of *Athens*. He married *Agraule*, Daughter of *Actus*, chief Lord of *Attica*, where he founded his Kingdom. He was Sirnam'd *Diphyes*, either becauſe he ſpoke two Languages, the *Greek*, and that of his own Country; or becauſe it was he who firſt inſtituted Marriage, and aboliſh'd the Cuſtom of having Women in common, which till then was tolerated among the *Grecians*. And it is for this Reaſon that all Antiquity thought that King had two Faces. His Reign continued fifty Years. *Euſebius* thinks it began in the 35th Year of *Moſes*, which was the 2496 or 98 of the World, and 1556 before Chriſt. *Cecrops* had ſixteen Succeſſors in the Space of 487 Years, until *Codrus*'s Time, who was the laſt. It is to be obſerv'd, that *Cecrops*'s Laws correſpond in many Things with the *Jewiſh* Conſtitution, occaſion'd by the *Hebrews* imitating the *Egyptians* in a great many Things, which *Egyptian* Cuſtoms were introduc'd by *Cecrops* into *Attica*.

(2) Potter's Greek *Antiquities*, p. 6.

(3) *Ibid.* p. 5.

(4) *Ogyges*, an antient King of *Thebes*, in whoſe Days happen'd a great Deluge, from which he was ſav'd, as moſt Authors affirm, tho' ſome ſay he periſhed in it, together with all his Subjects: It is difficult to find the exact Time when this Deluge happen'd. The moſt probable Opinion is theirs who ſuppoſe it to have been A. M. 2292, 636 Years after *Noah*'s Flood; 986 before the *Olympiads*, and 1438 before the Death of *Alexander* the Great.

(1) *Pot-*

Cecrops (1), as ſoon as he had eſtabliſh'd himſelf in his new-rais'd Kingdom, ſet himſelf about laying the Model of a City, which he deſign'd for the Seat of his Government, and Place of his conſtant Reſidence. This City (2) was built upon a Rock, and by him, with the circumjacent Territories, called after his own Name, *Cecropia:* And afterwards as the *Athenians* increas'd in Power and Number, and the Country round about fill'd with Buildings, this was the *Acropolis*, or Citadel. Then, for the better Adminiſtration of Juſtice, and the Promotion of mutual Entercourſe amongſt his Subjects, he divided them into four Tribes, *viz.* I. Soldiers; II. Artificers; III. Husbandmen, and, IV. Shepherds. He was the Author of many excellent Laws and Conſtitutions; nor did he only preſcribe Rules for the Conduct of their Lives with reſpect to one another, but was the firſt who introduc'd a Form of Religion, erected Altars in Honour of the Gods, and inſtructed his People in what manner they were to worſhip them.

Cecrops (3) the ſecond of that Name, and the ſeventh King of *Athens*, divided his Dominions into twelve Cities, or large Boroughs, compelling his Subjects to leave their ſeparate Habitations, and unite together for the repleniſhing of them. But *Cecropia* ſtill continued the chief Seat of the Empire; tho' each of theſe Cities had Courts of Judicature and Magiſtrates of their own, and were ſo little ſubject to their Princes (the Succeſſors of *Cecrops*) that they never had recourſe to them, but only in caſe of imminent and publick Danger; yea, ſo abſolutely did they order their own Concerns, that ſometimes they waged War againſt each other, without the Advice or Conſent of their Kings, againſt whom many of them alſo ſometimes took up Arms.

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(1) *Potter*, p. 7.

(2) *Ibid.* p. 8.

(3) Succeeded his Brother *Erecthheus*, A. M. 2705, and reigned 40 Years. *Potter.* p. 9.

(1) *Pot.*

They who inhabited the Champain Country, were commanded by ſome few; the Moutaineers were govern'd by a popular Eſtate; they who dwelt by the Sea-coaſt had a mix'd Government, carrying a Medium betwixt both; and they, who out of the whole Body of the People were call'd to the Government of the Commonwealth, were honour'd for Princes, Senators, and Noblemen. And thus (1) from the Reign of *Cecrops* the firſt to the Time of *Theſeus* (2) the Government and State of *Athens* continued with little Alteration. *Theſeus* (3) being by an Accident advanc'd to the Regal Scepter ſooner than could have been expected, found out within a ſhort Time the Inconvenience of having his People diſpers'd in Villages, and canton'd up and down the Country.

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(1) *Potter.* P. 10.

(2) *Theſeus* the Son of *Ægeus* King of *Athens*, by *Æthra*, Daughter of *Pittheus*. He kill'd the Minotaur in *Crete*, and took away King *Minos*'s Daughters *Ariadne* and *Phædra*. He conquer'd the *Amazons*, and carried away *Hyppolite*, their Queen, of whom he begat *Hyppolitus*. He vanquiſh'd *Thebes*, worſted the Centaurs, and did ſeveral other Exploits. He and *Pirithous* were two ſworn Friends. *Theſeus* coin'd ſome Money with an Ox ſtamp'd on one ſide, either in Memory of the Minotaur (the Bull he had overcome at *Marathon*) or that he would incite the *Athenians*, by ſuch a Figure, to apply themſelves to *Agriculture*; and it was hence in *Plutarch*'s Judgment, that the Antients us'd to ſay, ſuch a Thing is worth 10 Oxen, ſuch another worth an 100, meaning the Pieces coin'd with that ſtamp: *Theſeus* inſtituted the Iſthmick Plays, in Honour of *Neptune*, and in Imitation of *Hercules*, who had eſtabliſh'd others for *Jupiter*.

(3) *Potter.* P. 10.

(1) P. 11.

To prevent therefore this Evil, he form'd in his Mind (ſaith *Plutarch*) (1) a vaſt and wonderful Deſign, of gathering together all the Inhabitants of *Attica* (2) into one Town, and making them one People of one City, who were before diſpers'd, and very difficult to be aſſembled upon any Affair, tho' relating to the common Benefit of them all. Nay, often ſuch Differences and Quarrels happen'd amongſt them, as occaſion'd Bloodſhed and War: Theſe he by his Perſuaſions appeas'd; and going from People to People, and from Tribe to Tribe, propos'd his Deſigns of a Common Agreement among them. Thoſe of a more private and mean Condition readily embrac'd ſo good Advice. To thoſe of greater Power and Intereſt he promis'd a Common-wealth, wherein Monarchy being laid aſide, the Power ſhould reſt in the People; and that, reſerving to himſelf only to be continu'd Commander of their Armies, and the Preſerver of their Laws, there ſhould be an equal Diſtribution of all Things elſe amongſt them; and by this Means he brought moſt of them over to his Propoſal.

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(1) P. 11. *Pott.* *Plutarch* of *Cheronæa*, a City of *Bœotia*, was a Philoſopher, Hiſtorian, and Orator, in great Eſteem

The reſt fearing his Power, which was grown very formidable, and knowing his Courage and Reſolution, choſe rather to be perſuaded, than forc'd into a Compliance. He then diſſolv'd all the diſtinct Courts of Juſtice, Council-Halls, and Corporations, and built one *Prytaneum* (1) and Council-Hall, ſtanding to this Day. And out of the old and new City he made one, which he nam'd *Athens*; ordaining a common Feaſt and Sacrifice to be for ever obſerv'd, which he call'd *Panathenæa*, or the Sacrifice (2) of all the united *Athenians*. He inſtituted another Sacrifice for the ſake of Strangers, who would come to fix at *Athens*. Then, as he had pro-

mis'd

Eſteem *Temp. Nervæ & Trajani*; 'tis uncertain what Year he dy'd in. He writ the Lives of the Illuſtrious Men of *Greece* and *Rome*, and ſeveral other Things, wherein he manifeſts the general Knowledge he had in all Things, *&c.*

(2) *Attica*] A Country of *Greece*, between *Achaia* and *Macedonia*, the chief City whereof was *Athens*. This Country is now call'd *The Dutchy of* Athens. The People were divided formerly into Ten Tribes, who were denominated from ſo many of their Heroes: Each Tribe had a Part of *Athens*, with ſeveral Boroughs and Villages. Afterwards Three others were joyn'd to the Ten, and had ſome of the Towns allotted them. Out of each of theſe, Fifty Perſons were choſe to make up the Number of the *Prytani*, who were the Judges of *Athens*, and had their Tribunal in the *Prytaneum*.

(1) *Pry-*

mis'd, he laid down his Regal Power, and ſettled a Common-wealth, having enter'd upon this great Charge not without Advice from the Gods (3). Farther yet deſigning to enlarge his City, he call'd all Men indifferently by Proclamation in theſe Words, (*Come hither all ye People*) to enjoy an equal Part of the Common-wealth.

Yet for all this he ſuffer'd not his State, by the promiſcuous Multitude that flow'd in, to be turn'd into Confuſion and Anarchy, and left without any Order and Degrees, but was the firſt who divided the Common-wealth into three diſtinct Ranks, *viz.* 1. Noblemen; 2. Husbandmen; and, 3. Artificers. To the Nobility he committed the Choice of Magiſtrates, the Teaching and Diſpenſing of the Laws, and the Interpretation of all holy and religious Things; the whole City, as to all other Matters, being as it were reduc'd to an Equality: The Nobles excelling the reſt in Dignity, the Husbandmen in Profit, and the Artificers in Number. In this manner *Theſeus* ſettled the *Athenian* Government, which continu'd in the ſame State till the Death of *Codrus* (4), the ſeventeenth and laſt King: So that by the Government of *Theſeus*, it appeareth that Nobility was gotten by Riches,

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Riches, Knowledge, and Virtue. After the Regal Government was laid aſide, the City was govern'd by a double Democracy: One, which conſiſted in the Power and Government of the richer ſort of Citizens (call'd the *Archontes*) (5), and another, which reſted in all thoſe in general who were Freemen.

Solon

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(1) *Prytaneum.*] Πρυτανεῖον, *quaſi* Πυροταμιεῖον, Πυρὸς *enim* Σῖτος, *Etymol. quòd ibi qui do Republica benè meriti erant publicè alerentur. al. quaſi* Πυρὸς ταμιεῖον. Suid. *Ignis Sacrarium, qui ibi in honorem Veſtæ aſſervatur.*

(2) *Sacrifice*] Call'd Μετοίκια, which is yet celebrated on the 16th Day of *Hecatombæon.* (*Pot. Antiq. Greek.*)

(3) *Potter*, p. 12.

(4) *Codrus*] Son of *Melanthus*, began his Reign *A. M.* 2962. It's ſaid, that being deſirous to ſave his Country, which was beſet by the *Heraclides*, who for ſome time were Maſters of *Peloponneſus*, he conſulted the Oracle about the Succeſs; and underſtanding that that Party would be victorious, whoſe Commander ſhould be kill'd, diſguis'd himſelf, and ruſh'd into the midſt of the Fight, where he was ſlain in the 21ſt Year of his Reign, being the 5th of *David*'s, according to *Euſebius*, and the 2985 of the World. The *Athenians* put ſo great a Value on this generous Action, that fearing they ſhould never find ſo good a Prince, they choſe to have their Common-wealth govern'd by Magiſtrates call'd *Archontes*. *Medon*, Son of *Codrus*, was the firſt, and govern'd Twenty Years.

(5) A Name the *Athenians* gave to the Nine Magiſtrates or Governours of their City. The firſt took the Title of *King*; the 2d that of *Archon*; the 3d of *Polemarque*; and

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and the other Six were call'd *Theſmothetæ*. The *King* was the Head of the State, and had Power to aſſemble all the other. The *Archon* was to take Care, that every Body had Juſtice done him, eſpecially Widows, and their Pupils; and ſuch Women as were with Child after their Husband's Death. The *Polemarque*, or Generaliſſimo of the Armies, was Overſeer of all Things that belong'd to the War. The *Theſmothetæ*, or Law-makers, ſate in the Council of State with the other Three. Before *Solon*'s time theſe Magiſtrates were choſen by Suffrages; but he thought more convenient it ſhould be done by Lot, with this Proviſo, that ſuch as were choſen that way, ſhould appear before the Senate, who, upon Enquiry into their Lives and Deportments, were to judge of their Merit, and at laſt their Sentence was to be approv'd in the General Aſſembly of the People.

(1) *Solon.*]

Solon (1), (the Diſcord between the Poor and Rich being appeas'd) after the Slaughter of the *Cylonians*, reſtor'd to his Country the Democratical or Popular Government; the *Oligarchy*, or Government of ſome few being quite taken away. He (2) divided the *Athenians* into Four Ranks, according to every Man's Eſtate; *viz.* 1. Thoſe who could, of their dry and wet Commodities, fill 500 of their Meaſures, he plac'd in the firſt Order or Degree, calling them Πεντακόσιο μέδιμνοι (*Pentacoſio Medimnoi*). 2. Thoſe who were of Ability to furniſh out a Horſe, or could fill 300 of their Meaſures, he plac'd in the ſecond Rank, and call'd them

'Ιππάδα

Ἱππάδα τελοῦντες (*Hippada telountes*). The third Claſs conſiſted of thoſe who could fill 200 of their Meaſures, which were call'd Ζευγῖται (*Zeugitæ*). In the fourth, the laſt, he plac'd all the reſt, calling them Θῆτες (*Thetæ*). (3) All Publick Offices he appointed to be committed to thoſe who were plac'd in the three firſt Degrees, who having born Office accordingly, were accounted in the Number of the Nobility; but to the fourth Rank, no publick Office or Magiſtracy was communicated, tho' they had a Liberty of coming to the Publick Aſſemblies, and voting therein; and therefore that Rank was altogether baſe and ignoble.

But

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(1) *Solon*] One of the Seven Wiſe Men of *Greece*, and a Law-giver to the *Athenians* in *Tarquinius Priſcus*'s Reign in *Rome*, was Son of *Exceſtides*, and Born at *Athens* in the 35th Olympiad. He was endu'd from his Birth with a great Courage, and a wonderful Underſtanding, which Advantages gain'd him the Government of his Country. He abrogated the Severe Laws of *Draco* his Predeceſſor, and enacted others that were more mild and equitable in their ſtead. He reſtrain'd the Luxury of his Country-men, aboliſh'd many of their ſuperſtitious Ceremonies, gave them leave to declare whom they pleas'd to be their Heirs, provided they had no Children of their own. He made no Law againſt the Murderers of their Parents, as ſuppoſing it a Thing ſo unnatural, as to be in a manner impoſſible. The Iſland of *Salamina*, where was the Original of his Family, lying convenient for the *Athenians*, who upon Pain of Death had forbid the men-

tioning the Recovery of it from the *Megarenſians* that were Maſters of it, becauſe of the great Loſſes they had ſuſtain'd in attempting that Enterprize: *Solon* found no better way to put them ſafely upon that Work, than by repeating ſome Verſes unto them, of his own making in a drolling way; which ſo affected the *Athenians*, that they ſet upon the Iſland, and took it with greater Succeſs than they could have imagin'd. Sometime after, to ſhun the Tyranny of *Piſiſtratus*, he travell'd into *Egypt*, from whence he went afterwards to *Lydia*. There, on a time, *Crœſus* ask'd him, Who in the whole World was more happy than he? He anſwer'd, *Tellus*, who, tho' a poor Man, yet was a good Man, and content with what he had, and never travell'd, but dy'd in a good old Age; for till one be dead, he cannot be ſaid to be happy, as *Crœſus* found afterwards true by Experience. *Solon* dy'd at the Age of Eighty. He wrote a Book of Laws, Speeches, Elogies and Iambicks; and 'tis ſaid, he was either the Inſtitutor, or the Enlarger of the *Areopagus* of *Athens*.

(2) *Potter*, p. 14.

(3) *Ibid.* p. 16.

(1) *Ari-*

But after *Solon*, firſt *Ariſtides* (1), a Perſon (as *Plutarch* aſſures us) of a mean Extraction, and meaner Fortune, being, in Conſideration of his Eminent Virtues and Signal Services, preferr'd to the Dignity of an *Archon*, repeal'd *Solon*'s Laws, whereby the Θῆτες, or loweſt Order of People, were made incapable of bearing any Office in the Government. After him *Pericles* (2), having leſſen'd the Power of the *Areopagites* (3), brought in a confus'd *Ochlo-*

cracy, whereby the Populace and baſeſt of the Rabble obtain'd as great a Share in the Government, as Perſons of the higheſt Birth and Quality.

According

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(1) *Ariſtides*] An *Athenian* Nobleman, Sir-nam'd the Juſt, was the Son of *Lyſimachus*, whom *Themiſtocles* envying, baniſh'd him the Country by an Oſtraciſm (a Penalty inflicted by the Common-wealth of *Athens*, where, by the Plurality of Voices, they condemn'd to a Ten Years Baniſhment, thoſe who either were too Rich, or had too great Authority and Credit, for fear they might ſet up for Tyrants over their Native Country, but without any Confiſcation of their Goods or Eſtates.) *Heraclides* writes, that this Cuſtom was firſt inſtituted by the Tyrant *Hippias*, Son of *Piſiſtratus*, as a Barrier againſt what he exercis'd himſelf. The Manner was thus, *viz.* The People wrote their Names whom they moſt ſuſpected upon ſmall Pieces of Tiles; theſe they put into an Urn or Box, which they preſented to the Senate. Upon a Scrutiny, he whoſe Name was found upon the greater Number of the Tiles, was ſentenc'd by the Council to be baniſh'd, *ab Aris & Focis:* A Cuſtom which they at length abus'd, condemning their beſt and moſt deſerving Citizens; yet was it aboliſh'd at laſt, when *Hyperbolus*, a mean and contemptible Man, was proſcrib'd, after he had given many Signal Proofs of his Conduct and Probity. But when *Xerxes* came againſt *Greece*, he was recall'd home to defend his Country, and diſcharg'd many Offices with great Equity. When he dy'd, all the Money he left was not ſufficient to defray his Funeral Charges, which lay upon the States: They alſo took care to marry his two Daughters, and allow'd his Son a good Maintenance.

(2) *Pericles*] An *Athenian*, a great General, and good Orator, was the Son of *Xantippus* and *Agurifta*; and having an Inclination to Learning, was committed to the

Care of *Zeno* and *Anaxagoras*; under whom he quickly made great Improvement. He was *Thucydides*'s Adverſary; having govern'd *Athens* gallantly and worthily for 40 Years together; he died of the Plague in the 88th *Olympiad*, about 325 Years before the Building of *Rome.* He join'd the *Pyreus* to the Town with a good Wall, and did ſo many brave Actions, that he left nine Trophies for Monuments of his Victories.

(3) *Areopagites*, and *Areopagus*, the Senators and Senate-Houſe of *Athens*, ſtanding upon the Top of an Hill of that Name near the City, founded the ſame Year that *Aaron* was conſecrated High-Prieſt of the *Jews*, *viz.* A. M. 2545 in the Reign of *Cecrops*. *Areopagus* took its Name from Ἄρης *Mars*, who was the firſt Perſon that ever was Indicted there, and accus'd by *Neptune* for killing his Son *Halirrothius*. As for the Judges call'd *Areopagites*, they never heard any Cauſe but in the Night, that they might diſcuſs Matters with more Sedateneſs of Mind, or elſe becauſe they would not be ſurpriz'd with Objects that might move either their Hatred or Compaſſion; Before theſe Judges it was that St. *Paul* was call'd to give an Account of his Doctrine, and at the ſame Time converted *Dionyſius* one of their number.

(1) *Xeno-*

According to *Xenophon* (1) who (in his Book concerning the *Athenian* Common-wealth) ſets it down for Right and Reaſon, that they even of the meaner and poorer ſort ſhould indifferently be call'd and admitted to all Preferments in every Part of the Common-wealth, inaſmuch as they conduc'd more to the enriching of the City than the Nobility: Even plain Citizens, having well deſerved of the Common-wealth, were therefore amongſt the *Athenians* ennobled; and Nobility once by the Father obtain'd, deſcended alſo to his Children.

But the *Athenian* Common-wealth was not ſo laviſh and prodigal in the Communicating of Nobility, as in antient Time the *Roman* was ſparing and curious in the beſtowing thereof. That we may be furniſh'd therefore with greater Variety of Matter of this Kind and Nature, let us take a View of the *Roman* State and Common-wealth.

CHAP.

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(1) *Xenophon*, Native of *Athens*, and Son of *Gryllus*, was General, Philoſopher, and Hiſtorian. He adhered to *Socrates*, and was one of the moſt famous Diſciples this Philoſopher had; but at laſt was forc'd to be a Soldier, and being at the Head of the Troops, he enter'd *Byzantium* (*Conſtantinople*) which by his Eloquence he hinder'd from being plunder'd. And this was in the 95th *Olympiad*. Afterwards he had the Honour to make that memorable retreat with 10000 *Greeks*, ſent to aſſiſt *Cyrus* the younger, whereof he hath left us the Hiſtory. He publiſh'd and continued that of *Thucydides*, and was the firſt Philoſopher that ſet about this ſort of Work. He writ alſo *Cyrus* the elder's Inſtitutions, which (according to *Cicero*) were purely Moral, not Hiſtorical. From theſe fine Pieces he had the Sirname of the *Grecian* Bee, and *Athenian* Muſe, ſignifying thereby his fine Language and ſmooth Stile. As for the Book of Equivocals printed in the laſt Age under his Name, as alſo that of *Beroſus* and a dozen more, they are well enough known to be ſpurious, and Father'd upon him by *Annius de Viterbo*. *Plato* and he (as to the reſt) had no very good Underſtanding one with another, attributed (it ſeems) wholly to

an Emulation of Reputation in Point of Learning. After the aforeſaid famous Retreat, he follow'd *Ageſilaus* into *Aſia*, was with him at the Battle of *Coronea*, whence he retir'd to *Scyllus* belonging to the *Lacedæmonians*, being baniſh'd *Athens* for ſiding with *Cyrus*; there he liv'd and ſtudied Philoſophy, compoſing ſeveral Treatiſes of Morals, *&c.* until the *Lacedæmonians* were ſubdu'd by *Epaminondas*. Then he withdrew to *Corinth*, where he died, aged 90 Years, in the 105 *Olympiad.* This Name hath been common to ſeveral other Authors.

(1) *Ro-*

CHAP. IV.

Of the Firſt Roman *Nobility.*

ROMULUS (1) to draw Strength to the City of *Rome*, but lately before by him built, ordain'd an *Aſylum* or Sanctuary to all poor and baſe People; who by Flocks reſorted thither from all the Neighbouring Parts, gave the firſt Encreaſe to ſo great a City. This Rabble or mix'd Multitude of People, which by *Juvenal* (2), the Satyrical Poet, is in theſe Verſes noted, *viz.*

Et tamen ut longè repetas, longéque revolvas
Nomen ab infami Gentem deducis Aſylo:
Majorum primus quiſquis fuit ille tuorum,
Aut Paſtor fuit, aut illud quod dicere nolo.
(Sat. 8.)

He firſt divided (3) into three Tribes, each Tribe into ten *Curiæ*, and each *Curia* into ten *Decuriæ* (4), over which were appointed diſtinct Officers. According to the number of the *Curiæ*, the Lands were divided into thirty Parts, reſerving one Part for Publick Uſes, and another for Religious Ceremonies. In all Matters of Importance for many Years the People voted according to the *Curiæ*; and what the major Part of the *Curiæ* agreed to, was reckon'd the Reſolution of the whole Aſſembly, each ſingle Man having a Vote: And hence aroſe the *Comitia Curiata.* He made alſo another Diviſion of the People according to their Honour and Dignity, *viz.* into Patricians and Plebeians; the former, as being Elder and more nobly deſcended, had the Care of Religious Rites, bore Offices of Magiſtracy, adminiſtred Juſtice, and were Aſſiſtants to the King in the Government. The latter tilled the Ground, fed the Cattle, followed Trades, and the like, but had not the leaſt Share in the Government, for fear of the Inconveniences of a Popular State. The *Patricij* alſo were call'd *Patrons*, as having certain of the *Plebeii* recommended to their Protection; (which was done to bind the Principal each to the other, and was an Obligation as effectual as any

Conſanguinity or Alliance whatſoever) and the *Plebeij* thus recommended to their Care, were call'd Clients; of whom to have a great number, and to treat them civilly, it was the Glory of the Nobility.

After

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(1) Romulus *dim. a* Romus, *quod a* Gr. ῥῶμος *valens:* Salm. *Al. a ruma,* i. e. *Mamilla. Feſt.* the Son of *Mars* by *Ilia,* the Nephew of *Numitor,* the Brother of *Remus,* born with him at one Birth. *Numitor* had a Brother call'd *Amulius.* He was not content to have his elder Brother *Numitor*'s Kingdom from him, but ſlew his Son *Lauſus*; and to take away all Hope from his Poſterity to enjoy his Kingdom, he made *Ilia,* his Brother's Daughter, a veſtal Virgin; whom afterwards *Mars* got with Child; and ſhe brought forth [illegible] Twins. *Amulius* buried *Ilia* quick, and caus'd the Boys to be thrown into the *Tyber.* The Meſſenger laid them in the muddy, ruſhy Bank, in which Place they were found by the Shepherd *Fauſtulus,* who deliver'd them to his Wife, *Acca Laurentia,* to bring up, who, becauſe ſhe was a common Harlot, was call'd vulgarly *Lupa*; yet the Poets generally ſay that they were ſuckled by a She-Wolf: When they came to Age, and were told whoſe Sons they were, they ſlew *Amulius,* and reſtor'd *Numitor* to his Kingdom. And not long after (with the Help of Shepherds) they built a new City, call'd *Rome,* on Mount *Palatin*; from which Building the *Romans* took their Epocha or Beginning of Computation, intitul'd, *Ann. Urb. Cond.* which began A. M. 3198. *Romulus* died after he had reigned 58 Years. Tho' this Prince's Genealogy has been unconteſted by the generality of Authors for near 2500 Years, yet *Gronovius* preſumes to contradict all this Authority. He pretends, that one *Diocles,* a *Greek* was the firſt who invented the Fable of the Wolf ſuckling *Romulus* and *Remus,* when order'd by *Amulius* to be deſtroy'd. He alſo rejects the Story of *Mars*'s being their Father, and *Rhea Sylvia* their Mother;

and

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and lays it down as a Thing certain, that *Romulus* was no *Italian* born, but that he came out of a foreign Country. This Aſſertion he endeavours to prove by obſerving, that no People of *Italy* would furniſh the firſt Inhabitants of *Rome* with Wives. Now, ſays he, 'tis not at all probable if *Romulus* had been own'd *Numitor*'s Grandſon, had expell'd the Uſurper *Amulius*, and reſtor'd his Grand-Father; had all this been true, 'tis not at all probable, that the *Albans* ſhould have refus'd to make an Alliance with him, or to intermarry with his Colony: But *Romulus*, according to the Current of Hiſtory, apply'd himſelf to the *Sabines*, and made uſe of a Stratagem; which looks as if he were at a loſs elſewhere. Farther ſome Authors will have *Romulus* to be a *Greek* by Birth, grounding their Conjecture upon his Name: Thus *Salmaſius* fancy'd the Word *Romulus* a Diminutive of ῥῶμος, which in the *Æolick* Dialect ſignifies Strength. In fine *Gronovius* is of Opinion, that *Romulus* was a *Syrian*, becauſe *Joſephus* and *Nicephorus* tranſlate the Name by υἱὸς Ῥωμελίȣ, the Son of *Romelia*, mention'd in the *Apocrypha*. *Daniel.* (Colliers *Great Hiſt.* &c. *Dict.*)

(2) *Juvenal*, (*Decius Junius*) was born at *Aquinum*, a City in *Italy*, tho' ſuppos'd by ſome to have been Originally of *Gaul.* He liv'd in the firſt Century. His three Names induce a Belief that he was of a conſiderable Birth, ſo many not being allow'd to any of a ſervile or mean Extraction, tho' the current Opinion is, that he was the Son of a Slave enfranchis'd, or educated by ſuch an one: He was but young when he firſt came to *Rome*; and having declaim'd half his Life; he afterwards applied himſelf to Satyrizing, which got him great Fame; but at laſt, for ſome ſatyrical Reflections, which he had levell'd at *Paris*, *Nero*'s Comedian and Jeſter, he was ſent to command ſome Forces at *Pentapolis*, upon the Frontiers of *Egypt*, and *Libya*. 'Tis thought he liv'd till the 12th Year of *Adrian*'s Empire.

(3) Eachard's *Roman* Hiſtory, *Vol.* I. *Edit.* VI. *Chap.* I. *Page* VIII.

(4) *Page* IX.

(1) *Eachard*

After this (1) *Romulus* choſe a hundred Men out of the *Patricij* to aſſiſt him in the Government. This number he call'd a Senate, either from their Age or Virtue, or *à Sinendo*, becauſe nothing was tranſacted without their Permiſſion. But afterwards (2) the *Sabines* being ingrafted into the Common-wealth, and both Nations united into one, he choſe another hundred out of the moſt Noble of the *Sabines*, and added them to the Senate, which now conſiſted of 200 Perſons. *Tarquinius Priſcus* (3) (or as ſome others would rather have it, *Brutus*) (4) added to them another 100 choſen out of the *Plebeij*, which made up the number of the Senate 300. And as thoſe of *Romulus*'s Creation were call'd *Patres Conſcripti*, theſe were call'd *Patres minorum Gentium*, or Senators of the meaner ſort of the People. *Valerius Poplicola* (5) after the Kings were driven out, choſe 164 of the Order of Gentlemen, to fill up the Places of ſo many Senators ſlain by *Tarquinius Superbus* (6), who were call'd *Adlecti*, or Men choſen. For after the Diſſolution of the Regal State, ſuch as he ſaw to be wiſe, aged, and of approved honeſty, he enrolled into the Senate, as into the moſt grave and reverend Council.

(1) Eachard. *lib.* 1. *cap.* 1. *pag.* 10.

(2) P. 14.

(3) P. 35. C. 5. *Tarquinius Priſcus*, the firſt of this Name, call'd *Priſcus*, or the antient King of the *Romans*, Son to one *Damaratus* of *Corinth*, who came to live in *Tuſcany*. After his Father's Death he came to *Rome*, and by his Policy obtain'd the Throne after *Ancus Martius* in 139. He inſtituted the Plays of the *Circus*, ſubdu'd 12 different ſorts of *Tuſcan* People, increas'd the Senate, laid the firſt Foundation of the Capitol, and undertook ſeveral conſiderable publick Works. It is ſaid that he invented the Cuſtom of tying Bunches of Rods round the Magiſtrates Axes, the Robes of Kings and Sooth-ſayers, the Senators Ivory-Chair, with the Rings and Ornaments of Knights and Children of noble Families. He was kill'd by his Predeceſſor's Children the 80th Year of his Age, and 38th of his Reign, in 177 of *Rome*, and *Servius Tullius* was put in his Place.

(4) *Brutus (Lucius Junius)* Son to *Junius*, who married the Daughter of *Tarquinius Priſcus*, King of *Rome*: He was call'd *Brutus*, becauſe he counterfeited the Fool, to avoid the Fury of *Tarquinius Superbus*, his Uncle, who put his Father and Brother *Marcus Junius* to Death. The Rape that *Sextus* the eldeſt of the Sons of *Tarquinius Superbus* committed upon *Lucretia* a *Roman* Lady, Daughter of *Lucretius*, and Wife of *Collatinus*, in 245 of *Rome*, occaſion'd *Brutus* to perſuade the *Romans* to take up Arms, and baniſh the Kings from *Rome*; which was accordingly effected, and *Brutus* declar'd Conſul with *L. Tarquinius Collatinus*. Ann. 245, in the 66th *Olympiad*, and about 509 before the Chriſtian Æra. He diſcharg'd this Office with ſuch Zeal for the Good of the new Common-wealth, that having diſcover'd a Conſpiracy, form'd by his two Sons with the young Men of *Rome* to reſtore the *Tarquins*, he caus'd them to be brought to the Publick Place, where they were firſt Scourg'd and then Beheaded. After that, he ſingled out one of *Tarquin*'s Sons in a Battle, and fought ſo deſperately that both of them were kill'd.

(5) *Valerius Poplicola*, a *Roman* Conſul, who with *Brutus* triumph'd over the *Veij* and *Volſci*, and was call'd *Poplicola*, becauſe he was altogether Popular. For being ſuſpected of deſigning upon the Publick Liberty, becauſe he was building an Houſe upon one of the Mountains in Form of a Fortreſs, he preſently ras'd it down, and built in the Plain. He was 4 times Conſul, yet died ſo Poor, that People were forc'd to beg Money for his Burial.

(6) *Tarquinius Superbus*, who by reaſon of his inſupportable Haughtineſs was call'd *Superbus*, the Proud, murther'd *Servius Tullius* his Wife, *Tullia*'s Father, and uſurp'd the Throne. He is accus'd of being the firſt that us'd Priſons, Baniſhments, and Torments at *Rome*, where he behav'd himſelf towards the Subjects with intolerable Severity, ſparing neither Nobles nor Senators; He built a Temple that was common to all the *Latins*, and finiſh'd the Capitol with the Spoils of the Enemy. The *Romans* unable to bear with his Tyranny, and his Childrens Licentiouſneſs, took Occaſion to Baniſh him from the Throne on the Violence which his Son *Sextus* us'd to *Lucretia*, in the 245th of *Rome*, while he was at the Siege of *Ardee*. This King, who had govern'd 24 Years, did all he could to remount the Throne, employing the Arms of *Porſenna*, and his other Neighbours, but to no purpoſe, for the *Romans* had always the better.

The firſt Foundations of the *Roman* Commonwealth being thus laid, the Citizens of *Rome*, deſcended of the Stock of Senators (who before had borne the chief and greateſt Honours) were by the Dictators (1), Cenſors (2), or Triumvirs (3) created Senators, and afterwards alſo of the Order of Gentlemen or Knights (which was *Ordo Equeſtris*) were call'd into the Senate.

So that it is not to be doubted, but that thoſe who were of the Orders of the *Patricij* and Senators were ennobled thereby. But concerning the Order of the Gentlemen or Knights, or the Equeſtrian Order, ſome there be who make queſtion, and think that the *Roman* Gentlemen or Knights held the middle Place betwixt the *Patricij* (or thoſe who were deſcended from Senators) and the *Plebeij* or common People: For *Tacitus* (4) calleth them *Illuſtres*, or Men of Note. *Martial* (5) alſo calleth the Order of Gentlemen or Knights, the leſſer Order; and the Order of Senators, and of thoſe who were deſcended of Senators the greateſt Order.

But

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(1) Dictator] *à dictando, quod dictaret quæ utilia eſſent Reipublicæ*, was a chief Officer or ſupream Magiſtrate among the *Romans*, nam'd commonly by the Conſuls in imminent Danger. *T. Laertius Flavius*, Conſul, having appeas'd a Sedition in 256 of *Rome*, was firſt choſen Dictator. This Magiſtrate was but for ſix Months, tho' *Sylla* and *Julius Cæſar* caus'd themſelves to be declar'd perpetual Dictators, againſt all Law. The difference between the Dictator and the Conſul was, *viz.* That the Conſuls had only twelve Axes carried before them, and the Dictators twenty-four. And the Conſuls could not execute many Things without the Senates Authority, but the Dictator was inveſted with an abſolute Power, over Life and Death, in Peace and War, after whoſe Election all the other Magiſtrates (the *Tribunes* of the People excepted) had no more Power. When *Q. Fabius Maximus* was Dictator, another was join'd with him, a thing never

heard of before. A Dictator was alſo an Ordinary Office in moſt *Latin* Towns. (*Spart.*)

(2) Cenſors] *Cenſor à cenſendo ; ſcilicet, ad cujus cenſionem,* i. e. *Arbitrium, cenſeretur Populus (Var.) Patrimoniorum judex, à cenſu æris (Feſt.) Magiſter morum & Cenſûs* ; A Magiſtrate in *Rome,* of which there were two choſen together, the one of a *Patrician,* and the other of a *Plebeian* Family ; whoſe Office was chiefly to take Account of Families, and ſet down the Number and Quality of Perſons, and to rate Mens Eſtates, that accordingly every Man might be tax'd and levied for the Wars, which they did every 5th Year. As alſo to cenſure ill Manners, and puniſh Miſdemeanours ; they might *Senatu & Tribu movere,* turn out of the Senate, Degrade the Knights, and put from a more honourable Tribe to a lower, and utterly disfranchiſe meaner Citizens. The firſt of theſe Magiſtrates were choſen in the 311th of *Rome,* becauſe then the Senate obſerv'd, that the Conſuls Time was generally taken up in Military Actions, and could not ſo well attend Private Affairs.

(3) *Triumvirs.*] Magiſtrates that govern'd the Commonwealth of *Rome* for ten Years, from the Year 710 of that City to 720. Theſe were *Octavius,* ſince call'd *Auguſtus, Anthony,* and *Lepidus* ; but in 716 *Octavius* ſeparated himſelf from *Lepidus,* and made War againſt him, then turn'd his Arms againſt *Anthony,* and having overcome him, remain'd Maſter of *Rome,* and of the Commonwealth.

(4) *Tacitus*] *Caius Cornelius*) a *Roman* Hiſtorian, who flouriſh'd in the firſt Century. There is nothing known concerning his Anceſtors , and the Dignity of his Family did probably begin with his Perſon : The firſt Employment he had, was, as 'tis ſaid, that of Procurator to *Veſpaſian* in *Gallia Belgica.* At his return to *Rome,* the Emperour *Titus* conferr'd upon him a more honourable Degree. He was Prætor under *Domitian* in the Year 841 of *Rome,* according to *Lipſius,* or 840 according to *Calviſius,* and Conſul under *Nerva,* in the place of *Virginius Rufus,* who died in his 3d Conſulſhip, in the Year of

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Rome 849, or 850, whom he honour'd with a Funeral-Oration. All which Dignities gain'd him but ſmall Glory, in Compariſon with that, which he obtain'd by the Performances of his Pen. His Hiſtory and Annals are admirable. We have now but five Books of his Hiſtory left, which is but a very ſmall Part of it, containing not above a Year and a half, when the whole Work was to contain about 29 Years. The Annals are a ſeparate Work, compos'd by the Author after the Completion of his Hiſtory, beginning them at the Death of *Auguſtus*, and continuing them to that of *Nero*. There is but one Part of them left, *viz.* The four firſt Books, ſome Pages of the 5th, and all the 6th, and from the 9th to the 15th, and part of the 16th, the two laſt Years of *Nero*, and part of the foregoing Year are wanting. Theſe were the laſt Books of the Work. The five firſt Books were found in *Germany*, by a Receiver of *Leo* the 10th, who carrying them to the *Pope*, receiv'd at his Hands a Gratification of 500 Crowns. Such eſteem had many Princes for his Works, that they wore him out with much reading of him. Beſides his Hiſtory and Annals, he compos'd a Treatiſe *De moribus Germanorum*, and a Book of the Life of his Father-in-law *Agricola*. 'Tis believ'd, that he began not to write till pretty far advanc'd in Years, and under the Empire of *Trajan*, as he himſelf remarks. As to his Nativity, he muſt have been born the laſt Year of the Emperor *Claudius*, or rather the firſt Year of *Nero*, according to *Lipſius*'s Calculation. There is no ground to believe that *Domitian* baniſh'd him, as ſome aſſert; nor is it certain at what Age he died.

(5) *Martialis*] *Marcus Valerius*] a *Latin* Poet, born at *Bilbilis*, now call'd *Bubiera*, a Town in the antient *Celtiberia* in *Spain*, which is the Kingdom of *Arragon*. It is ſcituated upon the River *Salo*, or *Xalo*, that falls into the *Ebro* above *Saragoſſa*. His Father was call'd *Fronto*, and his Mother *Flacilla*, as he owns himſelf in the 39th Epigram of the 5th Book. He came to *Rome* when but 21 Years old, where he lived 35 Years under the Emperors *Galba*, *Otho*, *Vitellius*, *Veſpaſianus*, *Titus*, *Domitianus*, *Nerva* and *Trajanus*. He was a Favourite of *Titus Veſpaſianus* and *Domitian* his Brother; the latter

of whom gave him the *Jus Trium Liberorum*, and made him a Gentleman. We are induc'd to believe that he left *Rome*, after the firſt and ſecond Year of *Trajan* being ſlighted by him, and return'd into his own Country, where he died five or ſix Years after. We have 14 Books of his Epigrams, and perhaps not all he writ. (*Pliny* the younger, in *lib.* 3. *Ep. ult.*) maketh an honourable mention of him.

(1) *Vol.*

But to give a little more Light into this Equeſtrian Order, take what follows out of *Eachard's Roman* Hiſtory (1). Theſe *Equites* were firſt inſtituted by *Romulus*, and tho' they were Originally in the Common-wealth, yet had they no particular Authority, Rank or Order, till this Law of *Gracchus* (2), whereby it was enacted, that thoſe Judgments (ſpeaking a little before of transferring the Power of judging corrupt Officers from the Senators to the *Equites* or Gentlemen or Knights) ſhould be peculiar to them. So that whereas at firſt there were only two Orders or Ranks, *viz.* *Patrician* and *Plebeian* (which through Incroachment of the People were afterwards diſtinguiſh'd only into *Senatorian* and *Plebeian*) ſo by this Law, and eſpecially by the Procurement of *Cicero*, the *Equites* afterwards became a diſtinct Order. And thus now the *Roman* Citizens conſiſted of three Ranks or Orders; *viz.* I. The *Senatorian*, which included all the *Patricij*, and ſuch of the *Plebeij* as could riſe to be Senators. 2. The *Plebeian*, which ſtill continu'd the ſame as formerly. And, 3. The *Equeſtrian*, which before had always been included in the *Plebeian*, and had been diſtinguiſh'd only.

Many

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(1) *Vol. I. Lib. II. Cap. XII. p.* 242, 243.

Gracchus] (*Titus Sempronius*) Of the *Sempronian* Family in *Rome*, twice Conſul, once Cenſor, and twice Triumph'd. When Prætor, he ſubdu'd *Gallia*. The firſt time he was Conſul, being ſent into *Spain*, he reduc'd the *Celtiberians*, and took their City *Ilurcis*, and ſplendidly repair'd it, that it might be a Memorial of his Atchievements, calling the Name of it *Graccharis*. The 2d time he was Conſul, he utterly ſubdu'd *Sardigni*, and brought away ſuch a vaſt Number of Slaves, that the long continuance of the Sale occaſion'd the Proverb *Sardivenales*. His Wife was *Cornelia* a *Roman* Lady, Daughter of *Scipio Africanus*, eminent for her Chaſtity and Learning; by whom he had two Sons, *Tiberius* and *Caius*, who, being over-fondly covetous of Popular Applauſe, dy'd unfortunately. *Tiberius* was kill'd firſt, as he was Haranguing to the People, by *Publius Naſica*; and *Caius* two Years after, that was ſlain by the Order of the Conſul *Olympius*.

(1) *Pliny*]

Many are of Opinion, that Nobility was given among the *Romans*, by beſtowing upon them Rings of Gold; and moſt certain it is, that ſuch a Gift of Rings, as transferr'd the State and Condition of a Free-born Man to thoſe to whom they were ſo given, was common amongſt them, without which Free Eſtate no *Roman* was deem'd capable of Nobility: But when the Uſe of Rings of Gold began in *Rome*, it is not manifeſt. *Pliny* (1) writeth, that it had been for a long time the Badge or Cognizance of thoſe, who were about to go Ambaſſadors to foreign Nations, and that the reſt of the Senators were without them: Nor was it the Manner and Faſhion for any other to uſe them, than ſuch as had for that Cauſe publickly receiv'd them. And ſuch Gold Rings they us'd only abroad, and Iron Rings at home in their Houſes.

But

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(1) *Pliny*] (*C. Secundus*) Sir-nam'd the Elder, born at *Verona*, liv'd in the firſt Age, *Temp. Veſpaſiani & Titi.* His Merit gain'd him the Favour of both theſe Princes, who employ'd him on ſeveral Occaſions; but he found time to compoſe his *Natural Hiſtory*, which contains 37 Books. He writ, beſides *The Hiſtory of* Nero, *The Life of* Pomponius Secundus, *The Wars of* Germany, and other Things, which are loſt. The Eruption of Mount *Veſuvius* was fatal to him; for approaching too near to obſerve it, he was ſuffocated with the Smoak and Flames. The beſt Edition of *Pliny* was publiſh'd by F. *Hardouin* at *Paris*, in 5 Vol. 4*to*, 1685: This *Pliny* concerns us. There was another *Pliny C. Cæcilius Secundus*, Sir-nam'd the Young, of *Como*, Nephew to ours, and adopted by him

for

But afterwards the Cuſtom of wearing Gold Rings began to be us'd by all the Nobility, as *Titus Livius* (1) (Prince of the *Roman* Hiſtorians) writeth in his Ninth Book in theſe Words, *viz.* ‘ That the Senate burnt with ſuch Rage ‘ and Diſdain becauſe *Cneius Flavius* (2), a late ‘ Freed-man, was made *Ædilis* (3), that many ‘ of the Nobility thereupon laid aſide their ‘ Gold Rings, and the Trappings of their Hor‘ ſes ;’ wherein *Pliny* witneſſeth many to be deceiv'd, who think thoſe of the Order of Gentlemen to have then done the ſame. For that (ſaith he) is alſo added; but the Trappings were alſo laid aſide, for which the Name of Gentleman is put too. It is alſo recorded in the *Annals*, that Rings were then laid aſide by the Nobility, but not by the whole Senate in general; whereby it is manifeſt, that the Gentlemen then had no right to wear Rings, and

that

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for his Son, as he himſelf teſtifieth. He liv'd *Temp. Trajani*, in 106, and was *Quintilian*'s Diſciple. He was rais'd by the Emperor (for his Merit) to the higheſt Charges. Whilſt Conſul, he pronounc'd in the Senate the Panegyrick upon *Trajan*, which is eſteem'd his Maſter-piece. His Epiſtles alſo are very witty and polite, contain'd in 10 Books; *The Lives of Illuſtrious Men* are moreover attributed to *Pliny*.

(1) *Titus*

that it belong'd to the Nobility only, *i. e.* to the *Patricij* and the Senators, altho' they were not themſelves *Patricij*, *i. e.* deſcended of Senators, becauſe the Dignity of a Senator gave beginning to Nobility.

But

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(1) *Titus Livius*] A *Latin* Hiſtorian, Native of *Padua.* He came to *Rome*, where by his Merit he ſoon gain'd great Friends, whereof *Auguſtus* was one: By this Prince's Favour he was help'd to faithful Memoirs for the compoſure of his Hiſtory, whereof he wrote part at *Rome*, and the reſt at *Naples*, whither he retir'd to work ſometimes with leſs Interruption; and after *Auguſtus*'s Death he return'd to his Birth-place, where he dy'd in the fourth Year of *Tiberius*'s Reign, the very ſame Day that *Ovid* dy'd (as *Euſebius* obſerv'd). His Hiſtory, which began with the Foundation of *Rome*, ended with the Death of *Druſus* in *Germany*: It was not then divided into Decades, but into 140 Books, whereof we have but 45; nor do theſe follow in order neither: We want the ſecond Decade, and we have but the firſt, third, fourth, and one half of the fifth, found at *Worms* by *Simon Gryneus*; and ſince that time, the Beginning of the 43d Book was found amongſt the Manuſcripts of the Library of *Cambery.*

(2) *Cneius vel Cneus*] *Dict. a Nævo (præpoſitâ C. literâ) φακὸς προσώπου, i. e. lens faciei; vel potiùs ὑπερσάρκωσις, i. e. aliquod ſuper carnem excreſcens, ità uſus Gell. à natu, qu. nativus, vel à Geno, qu. Gnævus, quòd ſit genitiva vel nativa macula, quæ inſit ab ipſo ortu. qu. γναῖος à γείνεσθαι. Cnæus corporis inſigne & prænomen à generando dicta eſſe, & ea ipſa ex Gr. γίνεσθαι*; a *Roman* Sir-name, given to ſuch as were born with a particular Mark upon them.

(3) *Ædiles*] Were at firſt call'd Miniſters and Aſſiſtants of the Tribunes, but afterwards *ab Ædibus curandis*,

dis, one part of their Office being to take care of the Publick Buildings, Aqueducts, and Common Sewers, eſpecially the Temple of *Ceres*, where all the *Plebiſcita*, or Ordinances of the Commons, were kept, of which they had an Over-ſight, *&c.* (Eachard's Roman *Hiſtory*, *Vol. I. Lib. II. Cap. III. p.* 85, 86.

(1) *Auguſtus*

But when Judicial Cauſes were tranſlated from the Senate to the Gentlemen, the Uſe of Rings alſo paſs'd together to them all, which was not then ſo much the Cognizance of Gentlemen, as it was of Judges; and yet not of all of them, but of thoſe who were of the greateſt Dignity and Honour. Rings (ſaith *Pliny*) divided the other Order from the vulgar People, as ſoon as they began to be Men of Note and Fame, and afterwards. But Rings verily plac'd a middle and third Order or Degree of Men, betwixt the Common People, and the Senators or Fathers; and that Name which Horſes of Service before gave to Men, the Judges now give to Money: Nor was that long ago done; for *Auguſtus* (1) the Emperor diſpoſing of the Courts, the major Part of the Judges wore Iron Rings, and were not call'd *Equites* (or Gentlemen) but *Judices* (or Judges) the Names of *Equites* (or Gentlemen) reſting in the Troops of publick Horſes. But afterwards, in the 9th

Year of the Reign of *Tiberius* (2), when the Order of Gentlemen was come into an Union (for ſo he termeth it) ſuch Care was taken for the Credit of wearing of Rings, as that they ſhould be common to all Gentlemen. And at length (ſaith he) when *Caius Sulpitius Galba* (3), going about to gain the Credit of a youthful good Name with his Prince (by the Fines of Taverns and Victualling-Houſes) had complain'd in the Senate, that even Chapmen and Pedlars were defended from the Penalties of ſuch their Miſdemeanours by the wearing of Rings; it was for this Cauſe by the Senate decreed, that it ſhould not be lawful for any Man to wear a Ring, but him, who being Free-born both by his Father and Grand-Father, by the Father's ſide, was valu'd at 400000 Seſterces (4); and by the Law *Fulvia*, concerning the Theatre, to ſuch as had a Place, and ſate in one of the fourteen Orders or Degrees.

Hence

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(1) *Auguſtus*] *Dictus ad Augurio, vel ab Augendo*, the 2d Emperor of *Rome*, Son to *Octavius*, a Senator, by his 2d Wife *Accia*, a *Roman* Lady, Daughter to *M. Accius Balbus*, who had been Prætor, and Nephew to *Julius Cæſar*, was born *An. Rom.* 691, *Cicero* and *Antonius* being Conſuls. When his Father dy'd, he was but Four Years old, and at Twelve he made his Grand-Mother *Julia*'s Funeral Oration. At Twenty (at which time his

Mother dy'd) he was made Conſul, and *Julius*'s Heir. He quell'd Five Civil Wars; in the laſt of which he overthrew *Mark Antony* at *Actium*, *An. U. C.* 721, having before defeated *Brutus* and *Caſſius* at *Philippi* in 712, *Lucius Antonius* at *Perugia* in 714, and the younger *Pompey* at Sea in 718. He ſhut up the Temple of *Janus* Three times, offer'd twice to reſtore the Supreme Power to the Senate, was a ſevere Adminiſtrator of Juſtice, made excellent Laws, was Thirteen times Conſul, and after he had ſettled a firm and well-grounded Peace, he died at *Nola* (Fourteen Miles from *Naples*) Fourteen Years after the Birth of Chriſt, in the 57th of his Reign, and 76th of his Age.

(2) *Tiberius*] *Sic dictus quia ad Tiberim natus*, was Son of *Tiberius Nero* and *Livia Druſilla*, whom *Auguſtus* marry'd. Authors characterize him as a dangerous, cruel, and miſtruſtful Prince, as infamous for his Voluptuouſneſs as for his Cruelty. He was rais'd to the Empire, more by the Artifices of his Mother *Livia*, than the Choice of *Auguſtus*, who never approv'd his wild Inclinations, nor his lewd and debauch'd Courſe of Life. He began his Reign after the Emperor's Death, about the 19th of *Auguſt*, *A. C.* 14. His Death is variouſly related: But be it how it will, it's certain he dy'd a violent one, being 78 Years old, whereof he reign'd 22, and near 6 Months. In the 20th Year of his Reign Chriſt was crucified.

(3) *Caius Sulpitius Galba*] (*Galba, cur dict. nonnulli, quod præpinguis fuerit viſus, quem Galbam Galli vocent; (Germ. Ralb. i. e. vitulum) vel contra, quod tàm exilis, quàm ſunt animalia, quæ in eſculis naſcuntur, appellanturque Galbæ* (Suet.) *Galbe etiamnùm Gallis ſignif. anteriorem Thoracis ſive Diploidis partem, quæ caligas retinet, goſſypio refertam & Abdomen præ ſe ferentem*) of an Antient and Noble *Roman* Family, but no way of Kin to the *Cæſars*, was one of the *Roman* Emperors next after *Nero*. He obtain'd the Empire with more Favour and Authority than he manag'd it; for he ſo entirely gave himſelf up to be govern'd by Three Favourites, *T. Vinius*, *Cornelius Laco*, and his enfranchiz'd Bondman *Icelus*,

Perſons that ruin'd the Publick-weal with various Sorts of Vices, that he was never himſelf. Sometimes more ſevere and cruel, ſometimes more remiſs, than became an elected Prince, and a Man of his Age. He was murther'd by his own Soldiers in the 73d Year of his Age, and 7th Month of his Reign.

(4) *Seſtertium mille*] In our Coin 7 *l.* 16 *s.* 3 *d.* So that the Value of a *Roman* Knight's Eſtate was 3125 *l.*

(1) *Hiſtory*

Hence it came to paſs, that they ſeem'd to be of the Order of Gentlemen, who wore Gold Rings, ſince it was not lawful for any ſo to do, but ſuch as had a Gentleman's Subſtance. *Aſhmole* (1) tells us in theſe Words: At length Freed-men being created Knights (and *Eques* and *Miles*, Mr. *Selden* (2) ſaith in his *Titles of Honour*, were equivocal, and ſignify'd both in the Foedal Laws of the Empire a Gentleman, as the Word Gentleman is ſignify'd by *Nobilis*) the *Jus Annulorum*, the Right of wearing Gold Rings became promiſcuous: And therefore *Suetonius* (3) writeth, that *Julius Cæſar* (4), when in exhorting of his Soldiers, he often ſhew'd the Finger of his Left-hand, and ſaid, *That he could willingly, for their ſakes, be content to pluck off his own Ring*, was thought in ſo doing covertly to have promis'd to every one of them the Right of wearing a Gold Ring, and the Subſtance of a Gentleman. But after that it was permitted to all Gentlemen indifferently to wear them; that Mark (ſaith *Pliny*) began to be indifferently of all Men deſir'd: For before, Gentlemen and Judges were known by their Iron Rings: But at length, whilſt the Order of Gentlemen was ſeparated from the Free-born Men, the wearing of Rings was allow'd to thoſe who were Bond-men and of Servile Condition, *i. e.* to ſuch as were of Bond-men and Slaves become Free. However, this Right of wearing Gold Rings was not wont in antient Times to be given to any other, but ſuch as had behav'd themſelves manfully and valiantly in the Wars: Nor was the Right of wearing a Gold Ring ever given to ſuch as were of Bond-men made Free, unleſs they were alſo declar'd Free-men born; which was in antient Time a Privilege not to be granted but by the Prince. And it was always, in antient Time, accounted a greater Matter to be a Free-man born, than to be rewarded with the Right of wearing a Gold Ring; for that ſheweth us, even from our Birth, to be Free-men born; whereas this Right of wearing of a Gold Ring either indeed blotteth out, or, as much as it can, waſheth away the Stains of Servitude; yet ſo, as that the Sight thereof for ever remaineth. But the creating or reſtoring a Man to Gentility, approacheth nearer to Nature, which brings along with it all the Commodities and Advantages of Natural Nobility; and to reſtore again Men Baniſh'd, or caſt into Exile, to their former Eſtate and Place, belong'd only to the Prince: Who being ſo reſtor'd to their Blood or Birthright, were not only ingraffed into the Number of the Citizens of *Rome*, but alſo inroll'd among the *Quirites* (5), that ſo they might be Partakers of all the Honours and Offices of the Common-wealth; and therefore *Pliny* calleth it *Jus Quiritum*, i. e. the Right and Privilege of the *Quirites*.

There

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(1) *Hiſtory of the Garter*, 8vo. Edit. p. 10. Sect. 7.

Aſhmole (Elias) was born at *Litchfield* in *Staffordſhire*, in the 17th Century; a conſiderable Maſter in Polite Literature, *viz.* Heraldry, Antiquities, Chymiſtry, Natural Philoſophy, *&c.* By theſe Accompliſhments he was firſt made *Windſor*-Herald, ſupervis'd and order'd the King's Cabinet of Coins, and catalogu'd thoſe of the Univerſity of *Oxford*; which Univerſity, without his Knowledge or Application, ſent him a Diploma for his Doctor's Degree in the Faculty of Phyſick. The Inns of Court alſo made him Barriſter at Law; to which may be added, his being made Comptroller (by King *Charles* the Second) of all the Exciſe in *England*. To him was the Univerſity of *Oxford* beholden for the beſt Hiſtory of Nature, Arts, and Antiquities, the whole World ever afforded, not Printed or Engraven, but Real. This noble Collection of Rarities is repoſited in the New *Muſæum* lately erected, and in Memory of ſo Noble a Benefaction, call'd *Muſæum Aſhmolianum*. He is the Author of ſeveral Books, particularly *The Hiſtory of the Order of the Garter*, in a large Folio.

(2) *Selden*] (*John*) Call'd by *Grotius* the Glory of the *Engliſh* Nation, was born *Dec.* 16. 1584, at *Salvington* in *Suſſex*, near *Terring*. His Father was a ſubſtantial Yeoman, and his Mother Daughter to *Thomas Baker* of *Ruſhington*, extracted from the Worſhipful Family of the *Bakers* in *Kent*. From *Chicheſter* Free-School he went to *Hart-Hall*, in *Oxford*, at *Michaelmas*, 1600, where having ſtudied Philoſophy about Three Years, he came to the *Inner-Temple* and ſtudied Law, where he made ſuch a Progreſs, not only in that, but in all other Parts of Learning, that he got an univerſal Reputation, and was commonly call'd, The Great Dictator of Learning of the *Engliſh* Nation. To ſum up his Character, he was a great Linguiſt, Philologiſt, Divine, Lawyer, Antiquary, Stateſman, &c. He writ ſeveral Things of Oratory and Poetry. In 1618 he publiſh'd *The Hiſtory of Tythes*, ſince reprinted in 1680 at *London*, 4to. The firſt Time he ſerv'd in Parliament was for *Lancaſter*, in 1623, next for *Bedmis* in *Wilts*, in 1625, and afterwards in moſt of King *Charles's* Parliaments, where he was moſtly oppoſite to the Court; and in the Parliament of 1628, he was impriſon'd for Freedom of Speech. He ſerv'd alſo in the Parliament which began *Nov.* 1640. Accepted a Commiſſion from them, took the Covenant, and ſate in the Aſſembly of Divines in *Nov.* 1643. He was made chief Keeper of the Records of the Tower, and in 1645 a Commiſſioner of the Admiralty. In *Nov.* 1646, the Parliament voted him 5000 *l.* as a Compenſation for what he had loſt by his Freedom in that of 1628. He had a Choice Collection of Books and Manuſcripts: It was believ'd to be one of the curiouſeſt in *Europe*, and valu'd at ſeveral Thouſands of Pounds. His Executors, whereof Sir *Matthew Hales* Knight, ſometimes Chief Juſtice of the *King's-Bench*, was One, reſolv'd, out of regard to the Honour of their dead Friend, and their Love of the Publick, to keep this fine

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Library entire, and gave it to the Univerſity of *Oxford*, where a noble Room was added to the former Library for its Reception; and all due Reſpects have been ſince ſhew'd by that great and learned Body to thoſe their worthy Benefactors, who not only parted ſo generouſly with this great Treaſure, but were a little put to it how to oblige them, without croſſing the Will of their dead Friend. Mr. *Selden* had once intended to give his Library to that Univerſity, and had left it ſo by his Will; but having Occaſion for a Manuſcript, which belong'd to their Library, they ask'd of him a Bond of 1000 *l.* for its Reſtitution: This he took ſo ill at their Hands, that he ſtruck out that Part of his Will by which he had given them his Library, and with ſome Paſſion (and indeed there was Cauſe enough of Reſentment at ſuch an Affront) declar'd, They ſhould never have it. The Executors ſtuck at this a little; but having conſider'd better of it, came to this Reſolution, That they were to be the Executors of Mr. *Selden*'s Will, and not of his Paſſion; ſo they made good what he had intended in cold Blood, and paſs'd over what his Paſſion had ſuggeſted to him.

His chief Works are, *(viz.)*

1. *Original of a Duel.*
2. *Titles of Honour*, reprinted in 1671, much valu'd by Gentlemen.
3. *Jani Anglorum Facies altera*; Engliſh'd with Notes in 1683, Fol.
4. A Book call'd *Eutychius*, alledging, that Biſhops differ'd from Presbyters only in Degree, and not in Order.
5. *A Diſcourſe concerning the Rights and Privileges of the Subjects, in a Conference at a Committee of Both Houſes*, 4to.
6. *A Brief Diſcourſe of the Places of Peers and Commons of Parliament in Point of Judicature*, in 2 Sheets.
7. *Privileges of the Baronage of* England *when they ſit in Parliament*, 8vo.
8. *Office of Lord Chancellor of* England.
9. *The Hiſtory of Tythes*, before-mention'd (an admirable Thing) and many others.

(3) *Suetonius (C. Tranquillus)* the Hiſtorian, was the Son of *Suetonius Lenis* Tribune, Commander or Brigadier of the third Legion under *Otho*. He was in good eſteem under *Trajan* and *Adrian*, and was Secretary of State to the latter of theſe: Some ſay this Employment was taken from him, by being thought too intimate with the Empreſs *Sabina*, which Diſgrace mov'd him to write ſomething that might be of Publick Uſe; and therefore he compos'd the Lives of the twelve *Cæſars*, as they led them, a Book of equal Profit and Pleaſure. *Pliny*, Junior, was one of his moſt intimate Friends: Beſides this, he writ alſo a Treatiſe *de Claris Grammaticis*, and another of the *Rhetoricians*, the greateſt part of which is wanting, as alſo of that Treatiſe of his, which contain'd the Lives of the Poets; for that of *Terence* (as *Donatus* owns) is in a manner wholly his; and thoſe of *Horace*, *Lucan*, *Juvenal* and *Perſius*, are probably his too. But be that as it will, 'tis very probable St. *Jerom* made *Suetonius* his Model for his Treatiſe *de Scriptoribus Eccleſiaſticis*. Many other of his Pieces are likewiſe loſt, mention'd by *Aulus Gellius*, *Servius*, &c.

(4) *Julius Cæſar* (or *Ceſar*) *Caius Julius*) firſt Emperor of *Rome* was of the Family *Julia*, which pretended to be deſcended from *Venus* by *Æneas* the Son of *Anchiſes* and of that Goddeſs. The Poſterity of *Aſcanius*, the Son of *Æneas* and of *Creüſa*, and Sirnam'd *Iülus*, ſubſiſted in *Alba*, till that Town was ruin'd by *Tullus Hoſtilius* King of *Rome*. That Prince tranſported it to *Rome*, where it proſper'd. It does not appear that it form'd above two Branches there; the firſt bore the Sirname of *Tullus*, the ſecond that of *Cæſar*. The Perſons of the firſt Branch, that begin to appear in Hiſtory, are *Caius Julius Tullus*, and *Vopiſcus Julius Tullus*. The firſt was Conſul in the Year of *Rome* 265, and Decemvir in the Year 300. The laſt was Conſul in the Year 271, The moſt antient *Cæſars* that are to be found, had ſome Dignities the 11th Year of the firſt Punick War (that is to ſay) in the Year of *Rome*, 546. Since that time ſome *Cæſars* appear very frequently in the Offices of the Republick, till *Caius Julius Cæſar* the Emperor's Father. He was the Son of another *Caius Julius Cæſar*, whoſe Hiſtory is unknown; it appears only that

he was married with *Martia*, who deſcended from the Family of King *Ancus Martius*. He had three Children, two Sons and one Daughter, who was the Wife of *Marius*. The two Sons, *Caius Julius Cæſar*, and *Lucius Julius Cæſar*, did not go beyond the Prætorſhip, dying in the Flower of their Age, and in a ſingular manner; for both of them died as they were putting on their Stockings in the Morning; *Caius* at *Piſa*, and *Julius* at *Rome*, where he exercis'd the Dignity of Prætor. *Caius* married *Aurelia*, Daughter to *Cotta*, by whom he had one Son and ſome Daughters. The Son is he, who makes the Subject of this Remark, born at *Rome* the 12th of the Month *Quintilis* (afterwards call'd *Julius* in Honour of *Julius Cæſar*) 653, and loſt his Father in the Year 669. They know not well why he bore the Sirname of *Cæſar*, who think it was given him, either becauſe he was taken out of his Mother's Womb by a Chyrurgical Operation, or becauſe his Grand-Father had kill'd an Elephant, which is call'd *Cæſar* in the *Punick* Language. Neither of theſe Reaſons are worth any thing, ſince there were ſome *Cæſars* in *Rome* among the Anceſtors of our *Cæſar* from the Time of the firſt *Punick* War. Theſe Words of *Pliny*, (*lib.* 7. *cap.* 9.) have deceiv'd them, *viz. Auſpicatiùs enectâ Parente gignuntur; ſicut Scipio Africanus prior natus, primuſque Cæſarum à Cæſo matris utero dictus.* They have apply'd to our *Caius Julius*, the Dictator, what *Pliny* had only ſaid of the firſt that was Sirnam'd *Cæſar*. *Solinus* did not well underſtand that; he believ'd that *Pliny* had ſaid, that *Scipio*, the *African*, was the firſt that was call'd *Cæſar*. Thus much of *Cæſar*'s Family, and againſt thoſe who underſtand not truly why he was ſo call'd.

Now let me take notice of this Emperor's Marriages. He had been betroth'd to a very rich Maid, whoſe Name was *Coſſutia*, when he was yet in his *Prætexta* or youthful Gown, and he ſent her away in a little time: Afterwards he married *Cornelia*, the Daughter of *Lucius Cornelius Cinna*, and would never put her away, tho' he hazarded much by not complying with the preſſing Sollicitations of *Sylla*, who deſir'd it. Further, to ſhew the Love he bore this Woman, he compos'd himſelf her Funeral-Oration, and recall'd her Brother *Cinna* from Baniſhment, about 708 of *Rome*. He had a Daughter by her, who was *Pom-*

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pey's Wife. His third Wife's Name was *Pompeia*, Daughter of *Quintus Pompeius Rufus*, whom he quickly divorc'd, upon Suſpicion (not ill grounded) that ſhe had committed Adultery with *Clodius*. After that, he married *Calphurnia*, the Daughter of *Lucius Calphurnius Piſo* (who by his Merits was rais'd to the Imployments of *Tribune* of the People, Conſul, and Cenſor, being a good Lawyer, Orator, and Hiſtorian, three good Qualifications to riſe by) who out-liv'd him. *Sylla* the Dictator, ſuſpecting his ambitious Humour, would have him be put to Death; but *Cæſar* by his Caution and Cunning eſcap'd this Danger, and was at laſt receiv'd into *Sylla*'s Favour; who had a good Fore-ſight, when yielding to the repeated Deſires of divers Perſons of Quality (and they his own Friends too) he told them, they would repent one Day for having hinder'd him from diſpatching that young Man, who had many *Marius*'s in his Boſom.

After this *Cæſar* goes to the Army in *Aſia*, and at his Return accus'd *Cornelius Dolabella* of defrauding the Publick, then ſets ſail for *Rhodes* to ſtudy under *Apollonius Molon* (a *Greek* Author, who flouriſh'd about the 670th Year of *Rome*, and was Maſter to *Tully* (as he himſelf tells us) firſt at *Rome* and afterwards in *Aſia*) but was taken by Pyrates, who proffer'd him his Liberty for thirty Talents; but he ſcorning it at ſo low a Rate, gave them fifty. No ſooner was he out of their Clutches than he takes other Ships, attacks the ſame that took him, makes himſelf Maſter of them, and crucifies every Soul in them; ſo verifying what he us'd to threaten them with in Jeſt, when their Captive. His Riſe by Promotion to Offices thro' the Peoples Favour was after this manner, *viz.* The firſt Office, the People voted him to, was that of *Tribunus Militum*; then he was choſen afterwards *Quæſtor*, was made an *Ædilis*, and then put in for the Place of *Pontifex Maximus*, or High-Prieſt, which (it's ſaid) he was ſo ſure to carry, that he foretold his Mother, in taking his Leave of her early in the Morning, before he went to the Place of Election, that, that Day would either ſee him, Great *Pontiff*, or a Fugitive; which prov'd true, for he carried it from two Illuſtrious Competitors (*Quintus Lutatius Catulus* and *Publius Servilius Iſauricus*) that were much older, and much more recommendable for

Services done to the Republick, than he was. After this he became *Prætor*, then Governor of *Spain.* At his Return he was choſen Conſul with *Bibulus*, whom he depos'd, and confin'd to his Houſe, during the reſt of his Conſulſhip, becauſe he would not conſent to the Publiſhing of the *Agarian* Laws (the Occaſion of many Seditions in *Rome*, and at length of the Overthrow of that Commonwealth by *Julius Cæſar*) ſo that he rul'd alone.

During his Conſulſhip, he choſe, by the Aſſiſtance of *L. Piſo* his Wife *Calphurnia*'s Father and *Pompey* his Daughter *Julia*'s Husband, the Government of the *Gauls*, which he made a Province, during his ten Years Command of the Army, and impos'd a Yearly Tribute of 400000 Seſterces upon it. He was the firſt *Roman*, who laid a Bridge over the *Rhine* to attack the *Germans*, over whom he was ſeveral times remarkably Victorious. He conquer'd alſo the Inhabitants of *Great-Britain*, a People unknown to the *Romans* before his Time; and oblig'd them to ſend him Money and Hoſtages. But whilſt he went on conquering thus Abroad, his Daughter *Julia* dies at *Rome*, and with her fall alſo his and *Pompey*'s Friendſhip and good Underſtanding; they ever after looking upon each other as Competitors. This made *Pompey* then at *Rome* croſs all *Cæſar*'s Projects, and hinder the Senate from yielding him his Requeſts; whereupon he leads his victorious Army into *Italy*, which ſtruck ſuch Terror into his Enemies, that they fled for it, gains ſome conſiderable Towns, takes *Domitius*, who was nam'd to be Succeſſor in the Government, Priſoner; then Coaſts along the *Adriatick* Sea ſtraight to *Brindes*, or *Brunduſium*, whither the Conſuls and *Pompey* were gone to croſs the Seas, whom miſſing, returns to *Rome*, aſſembles the Senate upon the Republican Affairs, and afterwards goes into *Spain* to engage *Pompey*'s Army, commanded by his three Generals, *M. Petreius*, *L. Afranius*, and *M. Varro*, ſaying, as he march'd along, *That he was going to fight an Army without an Head or General, with an Intention afterwards to find out the General without an Army.* He ſoon obtain'd what he aim'd at; tho' the Siege of *Marſeills* retarded him a little; then returns again to *Rome*, paſſes into *Macedonia*; and after four Months Incampment near *Pompey*, defeats him in the Plains of *Pharſalia*;

Pharſalia; which Victory, tho' it was a deciding Blow, and as one may ſay, a Decree pronounc'd from Heaven on the Civil Wars of *Rome*, yet dazzled him not ſo much, but that he thought *Pompey*, the Head of the oppoſite Party, was ſtill living; and therefore that there would be never an End of it, if he had time given him to gather the broken Remains of his Army. Wherefore (knowing as well how to improve his Victories as to conquer, which diſtinguiſh'd him from ſo many other warlike Princes, who had not the like Talent) he purſues his flying Enemy as far as *Alexandria*, where hearing of his Tragical End (occaſion'd by his cloſe Purſuit of him) he turns his Arms againſt *Ptolemy*, who deſign'd to ſurprize him; and tho' he had many diſadvantages to ſtruggle with, yet he got the better, and made himſelf Maſter of all *Egypt*, which he left to *Cleopatra*, and march'd into *Syria*, thence into *Pontus*, where on the fifth Day after his coming, in one Battle of four Hours, he utterly defeated *Pharnaces*, Son to the great *Mithridates*. After this he overthrew *Scipio* and *Juba*, who had gather'd together the Remains of their ſcatter'd Troops in *Africa*, and overcame the Sons of *Pompey* at the Battle of *Munda* in *Spain*. This was the laſt Victory he obtain'd, and was that, which coſt him moſt: He was like to have loſt it, and was already thinking of killing himſelf, that he might not fall into the Enemies Hands. He gain'd it (a remarkable Circumſtance) during the *Bacchanalia* (*Plut.* in *Cæſ.* p. 756) In all theſe Civil Wars, Fortune never prov'd his Enemy but twice, once at *Dyrrachium*, when *Pompey* made him fly, but did not purſue him (a great Fault, which made *Cæſar* ſay, he did not know how to Conquer) and the other in his laſt Engagement in *Spain*.

Having put an end to theſe Wars, he triumph'd five times, got himſelf declar'd Dictator for Life, and Conſul for ten Years, and afterwards took upon himſelf the Title of Emperor. After this he applied himſelf with great Care to regulate the Common-wealth. He reform'd the *Faſti*, conform'd the Year to the Courſe of the Sun, and made it conſiſt of 365 Days, reforming the *Roman* Calender by the Advice of eminent Aſtrologers, and began that *Æra* which of his Name was call'd the *Julian*. He compleated the Number of the Senators, ſhar'd the Power of chuſing

Magiſtrates with the People, took a Liſt of the Citizens, and ſettled all other Things judiciouſly and prudently, particularly thoſe which related to Luxury and Expence. He was Learned, and ſo Eloquent, that only a Deſire to poſſeſs the chief Place of the Government, hinder'd him from contending for Precedence with the moſt famous Orators. We have two of his Works, *viz.* Seven Books of the Wars of *Gaul*, and three Books of the Civil Wars, they are (properly) Memoirs. There is a great Neatneſs of Style in them, and all the careleſs Beauties that ſuch an happy Genius as that of *Julius Cæſar* could diffuſe in a Work of that Nature, which he compos'd in haſte and without Art. *Hirtius* and *Cicero* give them great Praiſes. But every Body did not judge of them as they did. For *Suetonius* tells us, that *Aſinius Pollio* found too much Negligence and many Lies in thoſe Commentaries; whether it be, that *Cæſar* believ'd ſome falſe Reports, or that, as to his own Performances, Self-love, or want of Memory made him write ſeveral Falſities. However, it is certain, that the Memoirs of that Conqueror are writ too careleſsly. Certain Authors pretend that *Cæſar* compos'd but ſome of theſe himſelf, aſcribing the 7th Book of the War againſt the *Gauls* to *Hirtius*, who has alſo made Commentaries upon the Wars of *Spain*, *Africa*, and *Alexandria*. Others think that *Oppius*, an intimate Friend of *Cæſar*'s was the Author of this Book. But *Voſſius* (whom the Curious may conſult) ſhews two Things with the utmoſt Clearneſs, *viz.* That *Cæſar* is the true Author of the Commentaries, that bear his Name. 2. That he has often diſguis'd the Truth. They, who think, that beſides the Commentaries, that are ſtill extant, *Cæſar* had compos'd ſome *Ephemerides*, i. e. a Journal of his Life, and ſeveral other Works that are loſt, are much in the right. 'Tis known to every Body, that he was murder'd in the Senate, the 15th Day of *March*, 710, being 56 Years of Age more or leſs. They gave him 23 Wounds; each of the Conſpirators ſtrove to wound him; and in that haſte, ſome of them wounded each other. They thought their Action would have been applauded by the People, but they had reaſon to queſtion it the very next Day; for the People kept a very profound Silence, when they heard what had been done. The Senate remov'd their Fears, ſince by conferring on the one Hand divine Honours upon *Cæſar*, they granted on the other many Advantages to the Conſpirators. But *Cæſar's* Funeral Pomp ſpoil'd all. *M. Anthony* made a Speech, which exaſperated thoſe that were preſent to that Degree, that they went to burn the Conſpirators Houſes, and ſought them all over the Town to cut them in pieces. That, which affected them moſt, was, that he ſhew'd them *Cæſar's* Tunick full of holes and bloody. *Plutarch* and his Copier *Appian* affirm it; but other Hiſtorians don't mention that Circumſtance. *Cicero*, reproaching *M. Anthony* for that Day's Proceedings, ſays nothing of that Particular. And *Suetonius* is ſo far from mentioning it, that he gives us to underſtand that *M. Anthony* made no Funeral-Oration.

In all likelihood if *Cæſar* had liv'd ten Years longer, he would have done the fineſt Things in the World for the Glory and Proſperity of the *Roman* People; He was kill'd in the midſt of the greateſt Projects, that a Sublime Wit, and an Heroick Courage could undertake. Few or none of the Conſpirators (as *Suetonius* obſerves) out-liv'd *Cæſar* three Years, or died a natural Death. For being proſcrib'd, or out-law'd for Treaſon, they fell by one Accident or other. As for himſelf, he ſeem'd to die ſuch a Death, in one Circumſtance, as he had a Mind to; for being once ask'd by his Friends at an Entertainment, what ſort of Death was moſt eligible; he anſwer'd, *An unexpected one. Suetonius* obſerves further, that his Death was portended by a great many Prodigies, ſeveral of which he was advertis'd of himſelf; but being, as it were, overruled by his Fate, would take no Notice of them. Perhaps no Body has better ſucceeded than *Salluſt* in repreſenting *Cæſar's* Character, which he compar'd with that of *Cato* of *Utica*. He ſays amongſt other Things, that *Cæſar* ſought great Dignities, noble Enterprizes, the Command of Armies, to ſhew the Brightneſs of his Merit; but that *Cato* was contented to ſignalize himſelf by his Modeſty and eminent Virtue, deſiring rather to be an honeſt Man, than to ſeem to be ſo, and attaining to Glory more ſurely by his indifferency of attaining to it. When all is done, there is no good Judge but would prefer before many other fine Qualities, that which *Cato* had, of being more ſenſible to the Poſſeſſion of Virtue, than to the Reputation of being Virtuous. This was alſo the Lot of *Ariſtides.*

In all likelihood *Cæſar* might have enjoy'd the Uſurpation of the Empire longer, if he had not been fond of the Name and Grandeur of a Sovereign; his Friends, who ſhould have ſupported him in ſuch a ſlippery Place, undid him, by being a little too haſty in endeavouring to procure the Royal Ornaments to him. If any thing made the Conſpirators reſolve to haſten the Execution of their Deſign, it was the Fear, that *Cæſar* would openly aſſume the Name of King (a Title then odious to the People) which Fear was not ill grounded. The Senate decreed him ſuch exceſſive Honours, that one would almoſt wonder at the Servility of their Compliance. For the Senators perceiving that he was pleas'd with the honourable and glorious Diſtinctions that they conferr'd upon him, they invented new ones without any Meaſure or Bounds; Nay, ſome were for making a Decree that he might enjoy as many Women as he would, foraſmuch as tho' he was above 50 Years of Age, yet he made uſe of many Women.

But there was much Republican cunning in this Submiſſion of the Senate; for they deſign'd it only to make him more odious, and to accelerate his Ruin; *Cæſar* did not diſcover the Snare, but ſuffer'd himſelf to be dazzled by the Splendour of thoſe Decrees of the Senate; he forgot himſelf a little too much; a plain Inſtance whereof is his once receiving that venerable Body of Men in a ſitting Poſture, when they brought him the Decree, which they had juſt then made to increaſe his Honours. That Incivility was one of the chief Cauſes of his Deſtruction. *Dion Caſſius* the Hiſtorian (who relates the Matter with all its Circumſtances) was ſo ſtartled at this Piece of Impolitick Pride, that he is at a Loſs to account for it, thinking that that Incivility was either a fatal Stroke of Providence, or the Effect of *Cæſar*'s great Joy. *Seneca*, tho' two of the moſt eminent Stoicks (viz. *Cato* of *Utica* and *Brutus*, whereof the firſt died before *Cæſar*, and the laſt was one of *Cæſar*'s Murderers, and died afterwards in maintaining the Cauſe) whoſe Memory he valu'd ſo much, were concern'd in the Plot againſt *Cæſar*: yet blames the murdering of him. He ſays there was no Diſcretion in it, and that the Paſſion of his Enemies blinded them from

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ſeeing that in the State, wherein Things were, they could not hope for the Reſtoration of Liberty. The ſame *Seneca* obſerves, that *Cæſar* had united and incorporated himſelf in ſuch a manner with the Republick, that no Separation could be made without ſpoiling and ruining all. Certain it is, that none but *Cæſar* could repair the Evils, that the *Roman* People had ſuffer'd. (Bayle's *Hiſt. and Crit. Dict.* Collier's *great Hiſtorical Dict.*)

(5) *Quirites*] So were all the People of *Rome* call'd upon the Union of the *Romans* and the *Sabines*, who were an antient People of *Italy*, that inhabited the Country betwixt *Hetruria* and *Latium*, whereof they alſo poſſeſs'd ſome Part. The Capital City of the Country was *Cures*, which, when the *Romans* were united with that Nation, principally gave 'em the Name of *Quirites*.

(1) A

There was alſo among the Antients a certain Right of having Images or Statues, which was by the Senate given to ſuch as had remarkably born ſome great Office, or worthily deſerv'd ſome great Honours; which was not ſo much for the Mark and Sign of Nobility, as of the Stock and Family to which they were given: For they, who obtain'd Statues for their Stock and Family, undoubtedly brought thereunto Nobility alſo. And what greater or more excellent Thing there was, than to have the Right and Power of uſing Statues and Images (after the manner before related) I know not. *Pliny* thus writeth; *Apud majores Imagines in Atrijs erant, quæ Spectarentur, expreſſi vultus ſingulis diſ-*

diſponebantur Armarijs, ut eſſent Imagines, quæ comitarentur gentilia Funera, ſempérque, defuncto aliquo, totus aderat Familiæ ejus qui unquam fuerat populus. Stemmata verò lineis diſcurrebant ad Imagines pictas; Tablina verò Codicibus implebantur, & Monumentis rerum, & Magiſtratuum geſtorum. Engliſh'd thus: 'In the 'Time of our Anceſtors, Images and Statues 'were in their Courts to be ſeen, lively Counterfeits and Protraitures were in all their 'Studies and Cloſets placed, to the end that 'there might be ſtill Images to attend and ſet 'forth the Funerals of ſuch as were to be buried of that Stock and Family: And always 'when any Gentleman of Note and Mark died, 'all the whole Race of thoſe, who were then 'living of that Houſe and Stock, accompany'd 'the dead Corps; and from their Arms Lines 'were drawn along to the painted Images of 'thoſe whoſe Arms they were. As for their 'Studies and Cloſets, they were full of Books 'and Records, teſtifying the noble Acts by them 'worthily perform'd, and the honourable Offices by them in the State and Common-wealth 'born and diſcharged, whilſt they yet lived; 'whereby it is declar'd, that Statues and Images 'were rather the Signs of ſome great Office well

‘ diſcharg’d, than of any Nobility. Nor were ‘ all the Images of all, who were of the Stock ‘ and Race of thoſe to whom the Right of Images ‘ belong’d, wont to be carried at the Funeral ‘ Solemnities of their Kinſmen, but only the ‘ Images of thoſe, who with great Praiſe and ‘ Glory had borne and diſcharg’d ſome honourable ‘ Office, and who had of the Senate obtain’d that Right and Privilege.’

For which reaſon *Cicero* reckoneth up this Right, of having Images, amongſt the Ornaments of Magiſtracies; ſuch as are *Toga* the Gown, *Prætexta* the Senator’s Robe, and *Sella Curulis* the Chair of State; and to have the Pre-eminence to deliver ones Mind and Opinion firſt; all which Things paſs’d not to their Poſterity, ſo that they might uſe the ſame in ſuch ſort as the Nobility of thoſe who had been Conſuls (1), Prætors (2) and ſuch like did, which the *Roman* Laws would have to deſcend unto their Nephews in theſe Degrees, that as well the Women as the Men, unto the Nephew’s Son, ſhould be accounted of the ſame Dignity that there Anceſtors were of. In ſhort, he who had brought the Right of having Images into his Family, is to be thought to have done no more, but that his own Image might be carry’d forth at his own

Funeral, and the Funerals of thoſe of his own Stock and Kindred, and not that the Images of his Poſterity ſhould alſo in ſuch Funeral Solemnity be carried; but only the Images of thoſe who had gotten the like Right. And theſe Images were kept at Home in their Houſes, and carried forth at the Funerals of thoſe of their Houſe and Stock, for an Example of the noble Acts by them done. But concerning Images and Statues many thus think, that they who had the Images of their Anceſtors were accounted and call'd antient Noblemen, and they who had but only their own Images, were reputed and call'd new Noblemen. But ſuch, who had neither Images of their own, nor of their Anceſtors were reckon'd baſe and ignoble (3). And yet they of the common ſort of the People, who had obtain'd the Offices (call'd *Curules* (4) or of the Ivory-Chair of State) had alſo their Images. Thus much of the Right of Images and Statues, made uſe of by the Antients as Proofs of their Nobility, which was (indeed) a Solemn and Honourable, but yet a cumberſom Trial; whereof and how in Time they decay'd, the Poet (in his 8th Satyr) ſpeaketh. They have long been diſus'd, and Coat-Arms (5) ſubſtituted in their Place, as the moſt certain Evidence of Nobility and Gentry; ſo that in theſe Days the Rule is; *Nobiles ſunt qui inſignia gentilia Generis ſui proferre poſſunt* (6).

Now

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(1) *A Conſul*] *Ita dict. quod Reip. conſulat*, (Pomp.) i. e. *provideat*; *vel quod conſuleret Senatum*, (Var.) *a conſulendo*, i. e. *judicando*, *ap. vet. unde boni conſulere*, i. e. *bonum judicare*, (Quint.) *nam & Conſules aliquando vocati*, (Liv.) A chief Officer among the *Romans*, of which two were yearly choſen to govern the City. *L. Junius Brutus*, and *Tarquinius Collatinus* were the firſt the Publick Aſſembly choſe, after the Baniſhment of *Tarquinius Superbus*, laſt King of *Rome*, the 245th of its Foundation, and 509th or 10th before our Saviour's Birth. The Conſuls who commanded the Armies, were Chief of the Senate, and regulated the Affairs of the Republick. But the Emperor *Juſtinian* ſuppreſs'd the Dignity, *A. D.* 541. which brought upon him the Odium of all Lovers of Antiquity. This Change was imputed to *Tribonianus*, becauſe he had not Intereſt enough in the People to be choſen himſelf. The Title (it's true) was then but Honorary, attended only with the outward Marks of the Antient Power of the *Roman* Conſuls, that made a general Earthquake. *Juſtin*, to gain the Favour of the Populace, re-eſtabliſh'd it in 566; and to ingratiate himſelf the more, became one, but it did not take: This we may depend upon, that in all the Hiſtory of the *Weſt*, there is not a more ſure Mark of the Times, than what is taken from the *Roman* Conſuls, whether we have an Eye to the State of the Republick before *Auguſtus* and Chriſt's Coming, or to the different Revolutions of this Great Empire, and the ſeveral Tranſactions of the Church to the Time of the Emperor *Juſtinian*.

(2) *Prætors*] *A Prætor, a præeundo, quaſi præitor, quod Populo præiret. Prætor dictus, qui præiret jure & exercitu*, (Var.) *Al. a præeſſe; ut ſit generatim is qui Præeſt. Nomen Prætoribus ſive quod præirent, ſive quod præeſſent*, (Lipſ.) *Iidem dicebantur Conſules & Prætores; quod conſulerent*

ſulerent Senatui, Conſules; quod præirent Populo Prætores, (Var.) In old Time, after the Expulſion of Kings, the Conſul was ſo call'd, One with Kingly Power, both for Civil and Military Affairs. Afterwards, the Conſuls being employ'd abroad in War, there was one made with Power to judge Matters of Law between Citizen and Citizen, call'd *Prætor Urbanus*, whom *Cicero* often calls *Prætor Romanus*, like our Lord-Mayor; and becauſe there was a great Company of Strangers at *Rome*, another was appointed to judge Cauſes between them, call'd therefore *Peregrinus*, like our Sheriff of *Middleſex*; till at laſt, as more Provinces came in, and Cauſes multiply'd, there were Eight *Prætors* made, and ſo continu'd till *Julius Cæſar* made them Ten. At laſt it came to ſignify any Governour or Chief Magiſtrate. *Veteres omnem Magiſtratum, cui pareret exercitus, Prætorem appellaverunt.* (Aſcon.)

(3) *Baſe* and *Ignoble*] *Flavia Gens obſcura quidem & ſine Imaginibus. Nobiles ſunt qui Imagines Generis ſui proferre poſſunt.* (Cicero.)

(4) *Magiſtratus Curules*] Head Officers of *Rome*, who were wont (*Honoris Gratia*) to be carry'd in a Chair of Eſtate, made of Ivory, carv'd, plac'd in a Chariot, into Council.

(5) *Coat-Arms*] *Cotte de Armes*, a Coat-Armour, *i. e.* a long Coat over Armour, with his Arms embroider'd upon it. (*Co. Inſt.* 4. *pag.* 363. in the Margin.) Theſe were not us'd before the 10th or 11th Age. For the Tombs of Princes and Noblemen, dead before that Time, are obſerv'd to have none at all.

(6) *Co. Inſt.* 2. *pag.* 667.

(1) *Baſe*

Now will I again return to *Romulus*. *Romulus* (as I formerly obſerv'd) having divided the People into two Degrees or Orders, *viz.* the Order of the Senators, and of the Common Perſons; calling the Progeny of the firſt, *Patricios* and *Optimates* (or the Progeny of the Fathers and of the Nobility;) and the Progeny of the latter, *Plebeios* (or a Progeny deſcended from the vulgar and common Sort of People) made alſo a Diſtinction of their Offices and Vocations, which (to avoid Tautology and vain Repetition) I ſhall not here ſet down.

Thus much I may ſay, and which before I have not remark'd, that *Romulus* would not permit the *Romans* themſelves to exerciſe any Baſe Trade (1), or laborious and painful Buſineſs, and forbad them alſo all diſhoneſt manner of Gain, as unbecoming ſuch who were Fathers in the Common-wealth; nor in antient Time could any one be choſen a Senator, or one of the *Patricij*, but by an expreſs Law to that End and Purpoſe propounded to the People, which was the greateſt Office belonging to a King, a Conſul, or a Dictator. But in what Things the *Patricij* were diſtinguiſh'd from thoſe of the common Sort of People, is by many Examples try'd; for the *Patricij*, who excell'd in Nobility, and who were honeſtly begotten, and well brought up, had a Tablet or

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Jewel upon their Breaſts, and little Moons on their Feet, uſing Ivory Buckles, crooked hornwiſe, like the Moon; and this, they ſay, was ordain'd by *Numa* (2), as if by the Character of the Moon the Number of an Hundred had been deſign'd and figur'd, in which Number the Senators were then contain'd. But the Tablet they wore was of Gold, made in form of an Heart, wherewith they of antient Time were reported to have alſo ſeal'd their Letters; which Tablet Free-born Boys, and the Sons of ſuch as had ſerv'd on Horſeback, us'd to wear, together with the embroider'd Gown, call'd *Prætexta*, until they were Fourteen Years old; which Time being expir'd, they then, in a ſolemn Feaſt, hang'd it up to their Houſhold, or Hearth-Gods, whom they call'd *Lares* (3).

Every

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(1) *Baſe Trade*] In *France*, *Germany*, *Italy*, and in the Northern Parts, and elſewhere, where the Civil Law is in Force, the *Low-Countries* only excepted, 'tis rarely ſeen that Gentlemen, tho' of the loweſt Fortune, will bind their Children Apprentices, or make any Affinity with Merchants, tho' never ſo Rich, unleſs they firſt purchaſe Honours, and quit their Traffick: Whereas, with us in *England*, we ſee the contrary every Day, foraſmuch as we are not under the Directions of the Civil Law, which entails ſuch Privileges upon Blood; nay, and what is yet more remarkable, the Nobility do not only condeſcend to make an Affinity and

Relation with Shops, but the Shop-keepers themſelves, even Retailers themſelves, and ſometimes meer Merchants, are inroll'd amongſt the Nobility or Orders of Knighthood; a Thing, which at the firſt Bluſh looks a little Heterodox, *viz.* to ſee the blue Apron intitled to the Sword. *Trade dicitur a tradendo, quia tradit nobis neceſſaria.* The *Saxon* Word is *Cræft*, *hodie* Craft, *id eſt*, Trade. (*Cok. Inſt.* 2. *p.* 668. upon 1 *H.* V. *Cap. V. Of Additions.*)

(2) *Numa*] *Numa Pompilius*, ſecond King of *Rome*, was a *Sabine*, born in a Town call'd *Cures*, and Son of *Pomponius Pompilius.* He was a peaceable and devout Prince, and ſettled the Policy and Religion of the State. The *Romans* had him in ſuch Eſteem, that as ſoon as ever *Romulus* had breath'd his laſt, they ſet him upon the Throne, in the 40th Year of *Rome.* He firſt appointed the People call'd *Flamines*, and *Salij*; the *Veſtal Nuns*; the *Pontifex Maximus*, *Feciales*, and the *Dies Faſti*, and *Nefaſti*, and divided the Year into Twelve Months; all which he feign'd to have from the Nymph *Ægeria*, with whom he us'd to meet a-Nights, as he pretended, on purpoſe to make his Laws the more awful with the People. He was marry'd to *Tatia*, the Daughter of *Tatius*, *Romulus*'s Colleague, by whom he had Four Sons, who became the Heads of Four Families; and One Daughter, marry'd to *Tullus Hoſtilius*, his Succeſſor. He reign'd 42 Years, and dy'd in the 82d of *Rome.*

(3) *Lares*] *Lar*, Virg. Hor. *proprie Deus Familiaris*, *per Meton. pro foco, ubi colebatur*; *&* *per Synecd. pro ipſis ſedibus. Lar aut Lars eſt Hetruſca Vox.* Πρεσβύτης, i. e. *Familiæ Princeps.* Scal. Fung. *a Lara (vel a Larunda) Nympha, & larium matre; vel ex* λαεὶς σεσυρονὰς. *Hes. Benignus, lenis. Al. a* λαῦρα, *Vicus*; *vulgo enim Vicorum atque itinerum Dij habiti. Lares*, the Houſhold Gods of the *Romans*, and ſome other Nations, whoſe Images they kept in their Houſes, and offer'd Wine and Incenſe to them. The *Romans* divided them into Publick and Private. The Publick being ſuppos'd to take Care of, and to be the Protectors of Cities, People, and High-ways; as the Private, of particular Houſes and Families.

milies. They had Feaſts kept in Honour of them, and Temples built to them.

(1) *Tribunus*

Every honourable and noble Youth wore this *Prætexta*, or embroider'd Gown, about his Coat; but after Childhood paſt (this *Prætexta* being left off in the 17th, ſometimes in the 16th, and alſo 15th Year) they put on the Gown, call'd *Toga Virilis*, or Man's Gown. That which was embroider'd with Purple was given only to thoſe whoſe Fathers had born the great Offices (call'd *Curules*) or ſome other great Honours. The Order of Gentlemen, and the common ſort of People in antient Time, wore no Purple: The Garment of the *Tribune* (1) of the People and of the Commonalty was a Cloke, ſuch as they call'd, *Sagi*, *Endromides*, and *Cuculli*, Caſſocks, Mantles, and Cloaks with Hoods. But in ſucceeding Times, the Commoners indeed did wear Purple, but different from that which the Senators wore, *viz.* of a dark Colour, and dy'd with the Juice of Herbs, and not with the right *Tyrian* Purple Die. But this Ordinance (as *Dionyſius Halicarnaſſeus* (2) ſaith) laſted not long, all Things being made common with thoſe of the Commonalty; and leſt any Man ſhould think the Dignity of the *Patricij* and of the

Senators to be the ſame, *Tacitus* reporteth, that the Emperor *Claudius* (3) ſelected out of the Senate every one of the moſt antient ſort of the Senators into the Number of the *Patricij*, there being now but a few left of thoſe Families which *Romulus* call'd *Majorum*, and *L. Brutus Minorum Gentium.* But what the Reader will moſt wonder at, is that the Commonalty growing ſtrong, as there was a paſſing over from the State of a Commoner to the Degree of one of the *Patricij*; ſo divers of the *Patricij* went over to the Commonalty, and became of their Number.

The

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(1) *Tribunus dictus à ternario numero; quia tres hinc tantùm partes populi & ex ſingulis ſinguli crearentur ad exercitum mittendi; ſive à Tribubus; quod earum Suffragijs crearentur, vel quod ijs praeſſent* (Lipſ.) *Tribuni dicti, eo quod plebi jura & opem tribuunt.* Iſid, Δήμαρχος, Φύλαρχος. *Tribunes* of the People, Officers among the *Romans* having chief Juriſdiction among the Commons; Protectors of the Commons; they were firſt ordain'd after the great Difference that happen'd between the People and Nobles, which was appeas'd by *Menenius Agrippa.* At the firſt Eſtabliſhment, they were two (like our *London* Sheriffs) and call'd *Tribuni Plebis*; but theſe aſſociated three more to them, and this Number was increaſed to ten by *L. Trebonius.* Their Authority was ſo great, that ſometimes they have impriſon'd Conſuls, and fin'd their Dictators; their Power at firſt extended but a 1000 Paces, or a Mile of *Rome*: but *C. Calta* made a Law, by which they were impower'd to exerciſe their Authority in the Pro-

vinces, and that alſo after *Sylla*'s Time, who was ſo averſe to that Dignity, that he order'd they ſhould for ever be excluded from all other conſiderable Offices. Tho' theſe *Tribunes* at firſt were choſen amongſt the common People, yet afterwards the Nobles, Senators, and *Patricians*, look'd upon the Charge as honourable; and the Emperors themſelves, after *Auguſtus*, have not diſdain'd to take the Title of *Tribunes*. Theſe Officers being inſtituted for the Security of the meaner People againſt the Power of the Conſuls and *Patricians*, kept their Doors open Day and Night, to receive ſuch as ſought ſhelter with them; nor were they allow'd to go out of the City, but on certain Days; they weaken'd the Authority of the Conſuls and Senate, and often occaſion'd great Tumults.

(2) An Hiſtorian who wrote of the Original, and Affairs of *Rome*.

(3) *Tiberius Claudius Druſus*, *Roman* Emperor, Son of *Druſus* (who was the ſecond Son of *Livia*, Daughter of *Auguſtus*) Brother to *Germanicus*, and Nephew to *Tiberius*, was born at *Lyons*, the ſame Day that an Altar was conſecrated to *Auguſtus*, which ſixty different Nations had erected for him: He was ſo weak both in Body and Underſtanding, whilſt young, that he was look'd upon as unable to exerciſe any Publick or Private Charge, which was the reaſon that neither *Auguſtus* nor *Tiberius* gave him any Employment. His Mother *Antonia* us'd to ſay he was a Monſter only begun by Nature, and call'd him her Aſs. In the 37th of Chriſt he was Conſul for two Months; but was nevertheleſs ſtill contemn'd and derided by all the World. He ſucceeded his Nephew *Caligula* in the Empire, in the Year of *Rome* 794, the 41ſt of the Chriſtian *Æra*, by a very ſtrange Adventure; for having hid himſelf to eſcape thoſe that had murder'd *Caligula*, he was diſcover'd by a Soldier, who ſaluted him Emperor, and carrying him to his Companions, they led him to the Camp, and kept him the whole Night upon the Guard; the next Morning they ſwore Allegiance to him, and he promis'd them fifteen Seſterces each. Being thus ſettled on the Throne, he applied himſelf chiefly to aboliſh the Memory of what had paſs'd, and provide the City with Neceſſaries, which

with his Moderation and Contempt of Honour gain'd him the Love of all the People: He finiſh'd ſeveral conſiderable Works, as the Aqueducts to convey Water to *Rome*, which was call'd, for that reaſon, the *Claudian* Water, the Port of *Oſtia*, *&c.* The only Expedition he was ever perſonally in, was that of ſetting out from *Rome* to reduce the *Britons*, who had rebell'd againſt him, to their Obedience, which he ſoon effected in 43. Afterwards ſuffering himſelf to be govern'd by thoſe whom he had made free; his Weakneſs was ſo viſible that all People laughed at it.

This Emperor had four Wives; the firſt of whom was *Plautia Urgulanilla*; He was promis'd, before he married her, to *Æmilia Lepida*, *Auguſtus*'s Grand-Daughter, and was alſo contracted to *Livia Medullina*, who died the very Day appointed for the Wedding. He had a Son and a Daughter by *Plautia*; the Son was choak'd, when a Boy, by a Pear he threw into the Air, to receive it into his Mouth; and the Daughter, after he had turn'd the Mother away for Adultery, was expos'd at her Door. His ſecond Wife was *Elia Petina*, whom he alſo repudiated, after ſhe had bore him a Daughter call'd *Antonia*, who was Wife firſt to *Pompey*, and afterwards to *Sylla*. *Meſſalina*, a Monſter of Impudicity was his third Wife. This had ſuch Boldneſs and Impudence, and withal ſuch Confidence of her Husband's Stupidity, that ſhe married another even in his Life-time, but paid dear for it; for he order'd her to be put to Death in 43, and a few Days after call'd for her, as if ſhe had been ſtill alive: To have done with her, ſhe was the lewdeſt Whore in the Univerſe. *Claudius* had a Son and a Daughter by *Meſſalina*. The laſt nam'd *Octavia*, was married to *Nero*, who firſt repudiated her, then put her to Death, after poyſoning her Brother *Germanicus*. *Claudius*'s fourth Wife was *Agrippina*, who was his own Niece, being Daughter of his Brother *Germanicus*; ſhe ſoon got rid of him, by poyſoning him with a Muſhroom, whereupon *Seneca* wrote his 'Αποκολοκύνθωσις that is, his being canoniz'd into a Muſhroom God: This happen'd in the 54th of Chriſt, he being then 63 Years old, whereof he had reign'd 13.

As weak as this Emperor was, *Suetonius* tells us, that he would not ſuffer any Body in an Office that was ignorant of the *Latin* Tongue. It was for that reaſon that he turn'd a Magiſtrate, deſcended from one of the moſt illuſtrious Families in *Greece*, out of his Place, and reduc'd him to the Condition of a Stranger. The Proof of what has been ſaid of the Emperor *Claudius*, relating to his Zeal for the Language of his Nation, is this; *viz. Claudius* judging a Matter of Importance that concern'd the *Lycians*, he ask'd ſomething of one of their Deputies, who was born in *Lycia* and had acquir'd the Freedom of *Rome*; he ask'd him the Queſtion in *Latin*, and ſeeing that the Deputy did not underſtand him, he took his Freedom from him; for added he, *Thoſe that are ignorant of the* Roman *Language, ought not to be* Romans. *Rome* had a long time ſhew'd that Jealouſie for the Majeſty of its Language: and the ſame Paſſion has been ſeen in other Countries. However that Emperor ſet a great Value on the *Greek* Tongue, and ever made uſe of it, when he anſwer'd Embaſſadors in the Senate. (Bayle's *Hiſt. and Crit, Dict.* Engl. *Moreri.*)

(1) *Tribuni*

The Election of the Senators, according to the Alteration and Changes of Times, belong'd ſometimes to the Kings, afterwards to the Conſuls, and to the Dictators. After the Diſſolution of the Kingly Government, we read that the Conſuls choſe ſuch of the *Patricij* as were deareſt to them, and afterwards ſome of the Commoners alſo, to be Tribunes (1) of the Soldiers, with conſulary Power; until it was by the Law provided, that the Cenſors ſhould Ward by Ward make Choice of them in the Senate. Not long after a Subſtance was requir'd for the Creating of a Senator; and if he who was ſo choſen did afterwards waſte, ☜ and weaken his ſaid Subſtance, he loſt alſo his Order and Degree.

Hence 'tis manifeſt, that the *Roman* Nobility was eſtabliſh'd in the Dignity of the *Patricij*, and of the Senators, which, not to have been deny'd to the Order of the Gentlemen, may be gather'd from what follows, tho' others be of other Opinions. *Dionyſius Halicarnaſſeus* (whoſe Teſtimony I once before made uſe of) affirmeth that three hundred Gentlemen, were choſen by *Romulus* out of the moſt honourable Families, ten out of every Ward. Some of the Gentlemen were ſuch as ſerv'd upon a Publick Horſe, altogether in the City; others of them were ſuch as ſerv'd on a Private Horſe in the Army Abroad. The Publick Horſe the Cenſor appointed.

Publick

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(1) *Tribuni Militum*, or Military Tribunes. Theſe had a Conſulary Power, and were firſt inſtituted 317 Years after the Foundation of *Rome*, at *Canuleius*'s Requeſt, who made Complaint for the People, that they were not receiv'd to the Dignity of Conſul; whereupon a Law was publiſh'd, which gave theſe new Tribunes the ſame Power and Marks of Honour with Conſuls. There were three created at firſt, which Number was increas'd in Proceſs of Time to that Degree, that *Pomponius* (the Lawyer)

Lawyer) obſerves, there were twenty created the ſame Year. There were alſo other Tribunes, who had the Care of the Treaſury, call'd *Tribuni Ærarij*, and judg'd Matters of leſſer Conſequence.

Publick Horſemen or Gentlemen he created, as well out of thoſe who were deſcended from the Senators, as out of the Commonalty, who at length, for their Subſtance, were created alſo, as were the Senators; but a Gentleman's Subſtance was 400000 Seſterces, ☞ which being conſum'd and ſpent, the Reputation and Dignity of a Gentleman therewith alſo ended. *Iſidore* (1) an Author quoted by *Pliny*) writeth, that altho' a Man were by Birth a Senator's Son, yet until he came to lawful Years, he was but a *Roman* Gentleman, and ſo afterwards came into the Order of the Senators.

Livy

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(1) *Iſidore* of *Seville*, ſo call'd, becauſe he was Arch-Biſhop of that City, liv'd in the 7th Century. He is call'd the Young to diſtinguiſh him from St. *Iſidore* of *Corduba*. He was a *Spaniard* by Birth, and Son to *Severianus*, Governor of *Carthagena*, in that Country; his Mother's Name was *Turtura*. He had two Brothers, *Fulgentius* and *Leander*. The firſt was Biſhop of *Carthagena*; and the latter St. *Iſidore*'s Predeceſſor in the Arch-Biſhoprick of *Seville*. This *Leander* made an Acquaintance with St. *Gregory*, afterwards *Pope*, when he was *Nuncio* at *Conſtantinople*, and perſuaded him to undertake the compoſing his Expoſition upon *Job*. *Iſidore* ſucceeded his Brother in the Year 597, or 598. He was a ſerviceable *Prelate* to the Church of *Spain*.

Spain. The Fathers, conven'd in the 8th Council of *Toledo*, held in the 653, about 17 Years, after having cited the Authorities of St. *Auſtin* and *Gregory* the Great, produc'd the Teſtimony of this *Prelate* with this honourable Character annex'd, That he was the moſt valuable Doctor of their Age, and the Modern Ornament of the Catholick Church; that he was, 'tis true, the laſt of the Fathers in Point of Time, but his Learning was more forward upon the Liſt, *&c.* He was for 40 Years together, as it were the Oracle of all *Spain.* In the Year 619, he gave his Vote for the Precedency of the See of *Toledo.* In 619 he preſided in the Council of *Seville*, in which he procur'd the paſſing of ſeveral Canons relating to the Diſcipline of the Church; and engaging in a Diſpute with a Biſhop of *Syria*, infected with the *Hereſy* of the *Acephali* (a ſort of *Hereticks* acknowledging no Head or Supream: Their firſt Appearance was about the Year 500. They aſſerted one Subſtance in Chriſt, and therefore but one Nature) he convinc'd him by Citations from the Holy Scriptures, and brought him over to the Catholick Faith. In the Year 633, he preſided in the 4th National Council of *Toledo*, where ſeveral Canons were made for the Reformation of Manners, and the Reviving of Diſcipline. In 636, being at the Point of Death, he order'd himſelf to be carried into St. *Vincent*'s Church, where, after having receiv'd the Holy Communion, he departed this Life, *April* the 3d.

As for the Character of his Writings, the Learned *Du Pin* makes this Judgment of them. He tells us this Biſhop was well read, but that his Genius was not very beautiful, nor his Thoughts elevated; there is nothing, as *Du Pin* goes on, commendable in his Style, but the Clearneſs of it. He is neither Eloquent nor Polite; his own Opinions are often falſe, and he does not always make a good Choice when he borrows from others. He ſatisfies himſelf with a ſuperficial Knowledge, and does not go to the bottom of the Argument, and yet after all he muſt be allow'd to be a Perſon of great Learning. The Principal of his Works are, *viz.* His *Chronicon*, beginning with the World, and carry'd on to the 5th Year of King *Suinthilanus*, *i. e.* to the 626th of our Lord. *Hiſtoria Gothorum*, *Vandalorum*, *&* *Suevorum.* The beſt Edition is

Livy introduceth *Perſeus* (1) King of *Macedon* ſpeaking thus, *viz. Equites Romani Principes juventutis*; *Equites ſeminarium Senatûs*; *indè lectos in Patrûm numerum conſules*, *indè Imperatores*, &c. The *Roman* Gentlemen (ſaith he) are the Princes of the Youth; the Gentlemen are the Seminary of the Senate; out of them being choſen into the Number of the Fathers, they create their Conſuls, out of them

they

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is that publiſh'd at *Amſterdam* by *Grotius* in 1655. *Originum ſive Etymologiarum Libri* 20. This Work is an Epitome of all Arts and Sciences; where, in the Proſecuting of his Subject, he explains the Terms, lays down the Principles, and Points out what is moſt uſeful in each of them. To proceed, his next Tract is, That *de Scriptoribus Eccleſiaſticis*: This Book goes upon *Jerume*'s and *Gennadius*'s Model, and takes in 33 Writers. *De Vita & Morte Sanctorum utriuſque Teſtamenti*, *ſive de ortu & obitu Patrum*. *De Divinis ſive Eccleſiaſticis Officijs*, Libri 2. This Book is counted ſpurious by *Baronius*; but *Braulio* Arch-Biſhop of *Sarogoſſa*, and *Ildephonſus* reckon'd it in the Catalogue of *Iſidore*'s Works. Venerable *Bede* likewiſe, *Fulbert* of *Chartres* and *Freculphus* are of the ſame Opinion. *De Contemptu mundi Libellus*. *Contra nequitiam judæorum*, Libri 2. To his Siſter *Florentina*, *De Conflictu vitiorum & virtutum Liber*, &c. There are two Editions of this Prelate's Works. The firſt is that of *Marjarin de la Bigne*, Printed at *Paris* in 1580. The other is that of Father *James Bruell*, a *Monk* of the Abby of St. *Germain des Prez*, Printed likewiſe at *Paris* 1602, and at *Cologn* in 1618. Before we conclude we may juſt obſerve, that *Iſidore* wrote Commentaries upon the Hiſtorical Books of the Old Teſtament. (*Baronius. Bellarmine. Cave* Hiſt. Liter. *Du Pin* New Eccleſiaſtical Hiſtory, *&c.*)

(1) *Perſeus.*

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they create their Generals? The *Roman* Gentlemen wore the Robe of State; nor could any Man be of the Order of the Gentlemen of *Rome*, unleſs Free-born; wherefore to be a *Roman* Gentleman was ſomewhat a greater Matter, than ſimply to be a Free-man born: Yet *Pliny* writeth, that the wearing of Rings inſerted, and put a middle and third Order into the People; and that they began every where to be renown'd; and that they divided the other Order from the vulgar ſort of the People, or the Commonalty. As if he had ſaid, that the Gentlemen at firſt were Commoners, but afterwards Men of better Note, (which according to the Words of *Iſidore* before recited) may ſeem to be compar'd to the Senators Children, who were rank'd among the *Equites*, or Gentlemen, until they arriv'd to the Senator's Age. In

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(1) *Perſeus*, or *Perſes*. *Gr.* è *Fut.* πέρσω à πέρθω, i. e. *Perdo*, *everto*. The laſt King of *Macedonia*, ſucceeded his Father *Philip* in the 55th Year of *Rome*, who diſliking his Conduct, had deſign'd to diſinherit him, and beſtow the Kingdom upon *Antigonus*, Brother's Son to his Guardian; but *Perſeus* diverted this Deſign, and caus'd his Competitor to be put to Death. He warr'd againſt the *Romans*, but unſucceſsfully, having been beaten ſeveral times, and at laſt entirely overcome by *Æmilius* at the Battle of *Pydna* in 586, and with his Son led Captive to *Rome*, where he died in Priſon. He reign'd 11 Years. His Deſcent he pretended to derive from *Achilles*.

(1) *Logi-*

In the Queſtion of Nobility, not only the Ignorant, but even the Learned alſo much err, whilſt they agree not upon the proper Signification of theſe Words; *Eugenia*, *Nobilitas*; *Generoſus*, *Nobilis*, *Ingenuus*, *Gentilis*; that, is Honour of Birth, Nobility; a Gentleman, a Nobleman, a Man Free-born, a Gentleman; for whilſt they interpret Εὐγένεια (the *Greek* Word) *Nobilitas* (in *Latin*) and with us Nobility; the more general Word is brought in Place inſtead of the more Particular; or, as the *Logicians* (1) expreſs it, *Genus pro Specie.* For Εὐγένεια, or Honour of Birth, is but one kind of Nobility, call'd Native, and not all kind of Nobility, requiring a certain Antiquity of Stock, Riches and Virtues, as *Ariſtotle* (2) would have it, whoſe Words are, *viz. Non divites neque boni, ſed qui a virtutibus, divitijs, vel antiquis bonis deſcenderunt, Eugenes ſunt habendi:* 'Not the 'Rich only, nor the Good alone, but they 'who have deſcended from Virtues, Riches, 'and good Anceſtors are to be accounted No'blemen born.'

Of this *Eugenia*, or Native Nobility, all Ages have beſt thought, but yet not ſo, as that all the Right of Nobility ſhould be grounded upon it; for a Man may be Noble, altho' he be not

Eugenes, or from Nobles deſcended; yea, he may be more honourable than he who is ſo deſcended, tho' not ſo antient a Gentleman. As a new made Earl compar'd with an Eſquire of a moſt antient Family, as *Agathocles* (3) of a Potter made a King. What were *Romulus*; *Tullus Hoſtilius*, and *Tarquinius Priſcus*? But

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(1) *Logicians*.] *Dialectici*, *Logici*, are thoſe who Diſpute and Reaſon according to *Logick*, which is the Art of right Thinking, or uſing our rational Faculty aright; and the Power or Force of Reaſon, unaſſiſted by Art, is call'd *Natural Logick*.

Logick is deriv'd from thoſe Reflections which Men have made on the four Principal Operations of the Mind, *viz.* Apprehenſion, Judgment, Diſcourſe, and Method or Diſpoſition.

The Buſineſs of *Logick* is chiefly to teach us how to make proper Animadverſions on the Operations of our Minds; and from its true Uſe we gain theſe three Advantages, *viz.*

1. We are thereby aſſur'd that we make a right Uſe of our Reaſon; for the Conſideration of Rules begets in us a more fervent Application and attentive Induſtry of the Mind.
2. That thereby we more eaſily detect and explain the Errors and Defects, which we meet with in the Operations of the Mind; for oftentimes it falls out, that we diſcover by the meer Light of Nature the Faults of *Ratiocination*; yet are not able to give a Reaſon why it is falſe: Thus they who know not what belongs to Painting, may take exceptions at the Defects of a Picture, tho' they are not able to tell the Reaſon why they find Fault.
3. That we are brought to a more accurate Knowledge of the Nature of our Underſtanding by theſe Reflections

flections upon the Operations of the Mind, which, if we look no further than meer Speculation, is to be preferr'd before the Knowledge of all Corporeal Things. (Harris's *Lexicon Technicum*, Vol. I.)

(2) *Ariſtotle* (*ſic dict. ab optimo Fine*; i. e. *Summo Bono, de quo ſcripſit,* Ἄριστον τέλος) commonly call'd the *Prince of Philoſophers*, or the *Philoſopher by way of Excellence*, was Founder of the Sect of the *Peripateticks*. He was alſo call'd *Stagirita*, from *Stagira*, a ſmall City of *Macedon*, where he was born, in the 99th *Olympiad*, about 384 before our Saviour's Birth. *Nicomachus*, Phyſitian to *Amyntas*, *Alexander*'s Grand-Father, was his Father, whoſe Orignal is ſaid to be deriv'd from *Æſculapius*. He loſt his Parents in his Infancy, during which he was educated (but very looſely) by *Proxenes*, his Father's Friend; ſo that abandoning his Studies out of meer Libertiniſm, and having thereby ſpent moſt of his Eſtate, he liſted himſelf. But having found that the Profeſſion of Arms was not his Talent; he went, by Advice of the Oracle at *Delphos* (which he conſulted) to *Athens* at 18 Years of Age, and ſtudied there Philoſophy under *Plato* till 40; in which time having made away with his whole Patrimony, he was forc'd to ſell Sweet Powders, and exerciſe Pharmacy for Bread. After his Maſter's Death he left *Athens*, and retir'd to *Alterna*, a ſmall Town in *Myſia*, near the *Helleſpont*, commanded by his old Friend *Hermias*, who gave him his Siſter, and adopted Daughter *Pythias* in Marriage; whom *Ariſtotle* (it is ſaid) lov'd to a Degree of Idolatry. *Hermias* being about three Years after taken by the *Perſian* General, *Ariſtotle* withdrew to *Mytelene*, the Capital of *Lesbos*, where he ſtaid till *Philip* of *Macedon* ſent for him to be Tutor to his Son *Alexander*, then 14 Years old, which he undertook, and ſucceeded ſo well in 8 Years time, that he thereby procur'd Statues to be erected in Honour of him, and *Stagira* to be rebuilt, which had almoſt been ruin'd by the Wars.

Afterwards loſing *Alexander*'s Favour, for adhering to *Calliſthenes*, his Kinſman, accus'd of a Plot againſt *Alexder*'s Life; he retir'd to *Athens*, where he ſet up his new School, ſo famous afterwards for the Number of his Diſciples. 'Tis not to be credited that he conſpir'd againſt

Alex-

But now to ſearch out the Signification of the aforeſaid Words: The *Romans* divided their People into Free-men and Slaves of Free-men, ſome were of Bond-ſlaves made Free, whom they call'd *Libertini* (1); others were Free-men born, whom they call'd *Ingenui* (2). The *Libertini* were Citizens of *Rome*, who were three ways

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Alexander (tho' he was ſo thought of) becauſe that Prince at the ſame time order'd him to ſtudy Animals, and as an Encouragement ſent him 800 Talents, amounting to 480000 Crowns, beſides a great number of Fiſhermen and Huntſmen to bring all ſorts of living Creatures. He quitted *Athens* upon a Proceſs of Irreligion the Prieſts had mov'd againſt him, and retir'd quietly to *Chalcis* in *Eubœa*, where he pleaded his Cauſe in Writing at a diſtance, and thro' Vexation at not being able to find out the Cauſe of the Flux and Reflux of the *Euripus*, brought that Diſtemper upon him, of which he died in the 63 Year of his Age. He compos'd abundance of Books, a conſiderable Part of which are come to us. The Univerſity of *Paris* oblig'd themſelves in 1611, to teach no other Philoſophy but *Ariſtotle*'s; and this was confirm'd by Act of Parliament in 1629.

(3) *Agathocles*; *ab* ἀγαθὸς, i. e. *Bonus*, *&* κλέος, i. e. *Gloria*; A *Sicilian* Tyrant, Son of a Potter, who after he had got to be K. ſlew all the Nobles. *De quo vid.* Juſt. *l.* 22. Having ſtruggled with various Fortune, he was at length poyſon'd by his Grand-Child *Archagathus*, after he had liv'd 72 Years, and reign'd 28, in the 122 *Olympiad* (as *Juſtin* reports.) *Plutarch* aſſerts, that *Agathocles* was not the Son of a Potter, but only bred up in a Potter's Houſe. Hiſtorians ſay, that he would be ſerv'd both in Veſſels of Earth and Gold, to mind himſelf of his Original, and teach his Children that Virtue muſt advance them to the Heighth of Fortune.

(1) *Liber-*

Manumiz'd or made Free, *viz.* by Will or Teſtament, or in the open Aſſembly of the People, or before ſome Publick Magiſtrate, who had Power ſo to do; and hereupon probably in antient Time, when this our Kingdom was much oppreſs'd with ſervile State or Condition, the Word *Francklin* (3), for a Man made Free or Enfranchis'd, was in uſe, except it be thought to have been us'd for a Free-born Man.

But

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(1) *Libertini*] *ex liberto natus, aliquandò pro libertus & opponitur Ingenuo. Libertus quaſi Liberatus erat enim potiùs jugo ſervitutis addictus. Libertus dicitur reſpectu privato,* i. e. *Patroni. Libertinus Publico,* i. e. *Ingenuorum.* Voſs.

Qui Manumiſſione aſſecuti ſunt Libertatem, Romanis Libertinus & Libertini, inferioribus ſeculis Ingenui dicebantur. (Spelm. *Gloſs.*)

(2) *Ingenui*] *Ingenuus, Ingenuilis. Ingenuus eſt, qui ex matre naſcitur, conceptione, partu, medióve tempore, liberâ, etiam Qui ex ſervitute Manumiſſus eſt. In Manumiſſionis enim apud Alamannos Formulâ, jubetur, ut ſemper Ingenuus atque ſecurus exiſtat, undè illis olim Semperfry, quaſi ſemper liber, appellatus eſt; vid.* Goldaſt *ad* Burkhardi, *Cap.* 9. Gregor. Turon. *de Mirac. Sti* Martini, *Cap.* 23. *Erant enim Ingenui, & poſſeſſionem propriam poſſident; Vocem nuperi quidam, Claſſi apud nos plebeiæ, quæ Yeomen dicitur, genuinè neſcio an Latinè magis coaptarunt. Quos autem nos liberos, & legales Homines dicimus in Triburienſi Concil.* Ann. 895. *Ingenui dicuntur.* (viz.) *Si nobilis Homo Ingenuus in Synodo accuſatur, & negaverit, ſi fidelem eum eſſe ſciverit, cum* 12 *Ingenuis ſe purget.*

Ingenuilis ad Ingenuum pertinens. Chirographus Leudonis Remenſ. Eccleſ. *Præpoſiti in Apend. ad Flodoard, Manſos duos, Ingenuiles & veſtitos.*

Galli Ingenuiles vocant, quos nos, liberè tenentes, Manſoſque dividunt in Indominicatos, Ingenuiles, & Serviles, uti nos Prædia, in Dominicalia, libera, & Nativa ; eorum autèm Ingenuiles non ſunt liberi à Ruſticis Servitijs, ut hodiè noſtri plerumque liberè Tenentes ; ſed velut Priſci noſtri Jocmanni, agros Domini Colentes. Abundè eſt iſtius Teſtimonium in libro antiquo cenſuali Remenſis eccleſiæ, cujus mihi copiam fecit vir eximius Nic. Fabricius Peireſchius, Provinciæ Senator Regius, multâ mihi neceſſitudine conjunctus. Plura videantur in Manſus Ingenuilis (Id. ibid.)

(3) *Francklin*] A Free-holder; *qui liberè tenet* (*vid.* Forteſcue de laudibus legum Angliæ. *Cap.* 29.) *Libertus municeps. Trevet in Chron. paulo ànte* Ann. Dom. 1307. Thomas Brotherton (*Filius R. Edouardi* I. *Mareſcallus Angliæ*) *Apres le mort de ſon pere, eſpoſa la fille de un Franclein, apele Alice. vide egregiam ejus Deſcriptionem in chauceri peregrinorum charaćteribus, & vid. Forteſcue Ll. Ang. Cap.* 29. (Spelm. *Gloſs.*)

(1) *Horace*

But they were call'd *Ingenui*, or Free-born Men, who neither themſelves, nor their Anceſtors had ever ſerv'd as Slaves; and their Anceſtors they reckon'd up even from their Grand-Father, (as may be read in *Livy.*)

Freedom of Birth open'd a Way to all Degrees of Honours, which (even as Political Nobility) were either Native or Dative, *i. e.* by Birth or Gift. Dative Freedom was by certain Magiſtrates given, and at length only by Princes themſelves, and that two manner of ways; the one ſecretly, and not ſo plainly, by the Gift of a Ring; the other more expreſsly by Name, and perfectly, by reſtoring of Men to their Birth and Blood. And whereas Men of ſervile Condition were but by one Name call'd and known, Free-born Men, and Men of free Eſtate and Condition, had two or more Names. And the Name which they took from their Stock or Family is call'd *Gentile*, or proper to thoſe of that Race and Kindred. Nevertheleſs, it is to be noted, that Names given by chance ſometimes become proper to a Stock or Family. As *Tullius* was a Name proper and peculiar to a Family, But *Cicero* was a Name gotten by chance, and feign'd of the Pulſe call'd *Cicer* (or Chick-Peaſe) the Form whereof one of that Family had upon the End of his Noſe, who thereof was firſt ſo Sir-nam'd; but that ſame Name of *Cicero* began to be *Gentile*, or proper to that Family, as to *Cicero* the Orator, his Brother, and their Poſterity: *Tully* in his *Topicks* defineth *Gentiles eſſe qui eodem inter ſe ſunt nomine, quiab ingenuis oriundi ſunt, quorum majorum nemo ſervitutem ſervierit, qui capite non ſunt diminuti.*

They who were call'd *Gentiles* (or of the ſame Stock, or Family) were of Neceſſity to be

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deſcended from *Ingenui* or Free-born Men; for of Slaves, or thoſe whom they call'd *Libertini*, or Men of Slaves made Free, there is no Stock or Family. Wherefore the Right of Gentility, or of having of a Stock and Family, altho' it was different from Nobility, yet it is not to be doubted, but that it was in great Eſteem and Reverence among the *Romans*, and that they deſir'd above all things to be call'd *Gentiles*, as Men deſcended of ſome good Stock or Kindred; which Deſire hath even to this Day poſſeſs'd all *Italy*.

For among the *Venetians* they are call'd *Gentilhuomini*, who derive their Stock from the firſt Inhabitants of that Iſland, who are themſelves *Patricij*, or deſcended from the Senators; and that Word *Gentilhuomo*, as it were by Hand deliver'd from the *Italians* to the *Frenchmen*, removed to us, and at length together with the new Place of Dwelling, hath begun to put a new Signification, differing from that, which *Gentilis* or *Gentilitas* was of, amongſt the antient *Romans*.

For that is falſe, which ſome (and they Learned too) have deliver'd, *viz.* That Gentility was proper only to the *Patricij*; ſince it was common to the vulgar ſort of People (as was Ingenuity it ſelf) as appeareth by this one Place of *Suetonius*, *viz.* *Patricia Gens Claudia (fuit etiam & alia Plebeia nec potentia minor nec Dignitate) orta eſt in Regillis.* ‘ The *Claudian* ‘ Stock and Family, of the Order of the *Pa-* ‘ *tricij* (for there was another Houſe of them ‘ alſo of the Commonalty neither in Power or ‘ Dignity inferior to the other) had its Riſe at ‘ *Regilli*’. But they ſeem to have been deceiv'd by that which *Livy* writeth, *viz.* That *Romulus* created an hundred Senators, whom he call'd *Majorum Gentium* (or of the greater Families): And *Brutus* another hundred alſo, call'd *Minorum Gentium* (or of leſſer Families.) But this proveth not that we muſt grant, that only they of the Order of the *Patricij* had a Stock or Family. Neither did this ſo calling of them *Majorum & minorum Gentium*, divide them from the common People, but themſelves amongſt themſelves only : For whereas they were all choſen of Free-born Citizens (who had their Stock and Family) yet ſuch of them as *Romulus* had created, brought the Honour of the Order of the *Patricij* ſooner into their Stock and Family, than they did, whom *Brutus* added and fitted to them. They are alſo call'd *Gentiles*, who in likeneſs of Name agree amongſt themſelves, or wear the ſame Coat of Arms (1).

Amongſt the *Athenians*, they were call'd *Genitæ*, i. e. *Gentiles*; not they who were join'd amongſt themſelves in Stock or Blood, but were of thoſe ſort of People who, divided into Wards, grew into a certain Society and Fellowſhip amongſt themſelves; for amongſt the *Athenians* there were four Tribes, and every Tribe was divided into three Wards, which made twelve Wards; and every Ward was divided into thirty Parts, which they call'd *Gentes*, or Kindreds. But to ſet this Matter in a clearer Light, take what follows out of the *Grecian* Hiſtory it ſelf in theſe Words, *viz.* *Cecrops* (2) the firſt, after he had ſettled a Form of Government amongſt the *Athenians*, for the better Adminiſtration of Juſtice, and the Prevention of Deceit, and overreaching one another in Commerce, divided them into four Φυλαὶ or Tribes; each Tribe he ſubdivided into three Parts, call'd τριττὺς ἔθνος, or Φρατρία: and each of theſe into thirty Γένη, or Families; which becauſe they conſiſted of thirty Men, were call'd Ὁμογάλακτοι, and Γεννῆται, not from any Re-

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(1) *Cicero.*

(2) Potter's Greek *Antiquities*, *Vol. I. Cap. IX.* p. 47.

lation to one another, but only becauſe they liv'd in the ſame Borough, and were educated together, and join'd in the ſame Body and Society. But to return again to the Purpoſe.

Why a Stock or Family among the *Romans* is to be deriv'd from the Grand-Father, nor could conſiſt but into two at the leaſt, *viz.* Grand-Father and Father; ſome think the reaſon to be, becauſe the *Latin* Word *Gens* ſignifieth a Multitude, which requireth more than One; and yet *Gens* ſeemeth to be called (as it were) *Genus* (*i. e.* a Stock or Kindred) the Letter *u* being taken away: However theſe two Words differ the one of them from the other, inaſmuch as *Genus* ſignifies a Stock and Beginning; but *Gens* importeth (as it were) a certain Multitude of Stocks, and of Beginnings of Families and Houſes.

Ingenuity, or Freedom of Birth, had the Ornaments thereof from Nature, and reſpected Liberty, which it ſtill deriv'd from the Grand-Fathers. But Gentility was a Matter of the Civil Law, and referr'd to the Antientneſs of *Agnation* (or Kindred by the Father's ſide) differing from the other only in Antiquity of Stock; for it is not needful to derive or take *Agnation* farther than from the Father; which if it be ſo, then Gentility and Nobility are not all one and the ſame Thing; and they confound Gentility (whereof the common People no leſs brag and boaſt than do the Noblemen) with Nobility, who deny him to be a Nobleman by Birth, whoſe Grand-Father was not Noble; neither agree they with themſelves, when they dare affirm (but by what Authority I know not) Nobility, together with the Seed of the Parents to be paſs'd over to their Poſterity according to this Poetical Saying,

Qui viret in folijs, venit à radicibus humor;
Et Patrum in natos abeunt cum ſemine mores.

And thus out of *Horace* (1), lib. iv. Od. iv.)

Eſt in juvencis, eſt in Equis Patrum
Virtus; neque imbellem feroces
Progenerant Aquilæ Columbam.

By which Analogies the Learned Poets verily went about to ſtir up noble and couragious Youths to an Imitation of their Father's Virtues; being otherwiſe not ignorant, that Nobility, whereof I treat, is a Thing Political and Civil, not Natural. And indeed of irrational Creatures, there be divers Kinds, but of Men there is but one Sort. Hence as an Eagle bringeth not forth a Dove, ſo neither doth a Man beget an Hare. But admit that good Men are begotten of good Parents, and valiant Men of valiant Fathers; and if this be to Mankind proper, why are not good and valiant Children begotten of good and valiant common Perſons alſo? For they are Men as well as the other. But nothing is more deceitful than this Rule; for, thro' the Corruption of Man's Nature, we ſee it often happen, a Prodigal Son to be born of a Frugal Father, a Fool (2) of a Wiſe Man, and a Coward of a Couragious Man. Nor is this any Novelty or new Matter, but ſuch as took Root even in the firſt Depravity of Human Nature.

For

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(1) *Horace*] (*Quintus Flaccus*) A *Latin* Poet, born at *Venuſium*, a City in *Italy*. He fought at the Battle of *Philippi* for *Brutus* and *Caſſius*. He was in great Favour with the Emperor *Auguſtus*, by Means of his Patron *Mecænas*. At his Death he made *Auguſtus* his Heir. The Fruit of his ſharp Wit, and Quickneſs of Judgment, we have in thoſe Poems which bear his Name, *viz.* his Odes, Satyrs, and Epiſtles. *Quintilian* ſaith, that amongſt the *Latin* Lyricks, *Horace* is almoſt the only one worth reading. He dy'd *An. Rom.* 746 or 747, Aged 57.

(2) *A Fool of a Wiſe Man*] Tho' I have laid down in the Text, That the Cauſe of the Degeneracy of Children from their Parents proceeds from the Corruption of Humane Nature, yet 'twill not be amiſs to entertain the Reader with a pretty Reaſon (out of *Bayle*) how Wiſe Men come to get Fools to their Children; for by this pleaſant Amuſement, I ſhall act agreeable to this old Rule, *viz.*

Interpone

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Interpone tuis interdum Gaudia Curis,
Ut poſſis melius quemvis tolerare laborem.

Agnes (ſaith *La Mothe le Vayer*, in the 20th Academical Homily, *Tom.* XIV. of his Works, pag. 291.) Widow to *Henry* the 3d, ask'd, by a Biſhop, this pretty Queſtion of *Peter Damianus*, one of the moſt underſtanding Church-men of his Age, *Utrum liceret Homini inter ipſum debiti Naturalis egeriem aliquid ruminare Pſalmorum?* It was decided in the Affirmative, as *Baronius* informs us, upon the Authority of the Text of St. *Paul*, in his firſt Epiſtle to *Timothy* (Chap. 2.) which ſays, that God may be pray'd to every where. Is it poſſible that there hath been an Empreſs ſo weak, as to propoſe ſuch Queſtions? And if the Curioſity of a Woman extended ſo far, ought any grave Caſuiſt to examine them? It is a true ſaying, that a Man's Mind will leave nothing unſtir'd: The moſt gloomy and dark Receſſes are not without its Reach, and againſt all the Rules of Decency it will carry there a Torch. I will obſerve by the Bye (now I am come to the Point) that one of the moſt eminent of *Ariſtotle*'s Commentators would have anſwer'd the Empreſs's Queſtion quite otherwiſe than *Peter Damianus* did. He had maintain'd, that the publick Welfare requires, that in this Action, as much as in any other, *Hoc Age*, and nothing elſe, ſhould be remember'd; for he pretends, that the Reaſon why the Children of ingenious and learned Men are commonly dull and ſtupid, is, becauſe their Father's let their Thoughts go aſtray, when they ſhould think on ſomething elſe. On the contrary, you ſee ſome Loggerheads who get Children of admirable Parts, becauſe they get them in Earneſt, and not for Faſhion-ſake. They mind what they do, and nothing elſe, and wholly apply themſelves to the Buſineſs in Hand. Read this *Latin*; *Alexander Aphrodiſæus magno ſe labore conficit, dum Cauſam conatur inveſtigare & tradere cur non raro contingat, ut craſſus quiſpiam, tardus ac propemodum Hebes, liberos gignat ſolertes, Prudentes & Acutos; cujus rei cauſam hanc tandem ſtatuit, quod qui tardiore eſt Ingenio, is in ipſo Coitu ita ſe totum præſenti Voluptati percipiendæ addicit, ut nihil aliud animo cogitet, quam* *totum Corpori immerſum detinet; itaque ex eo Corpore ductum & hauſtum Semen, cui Spiritus admixti ſunt, multum habet ipſius Facultatis intelligendi: quo fit ut liberi naſcantur ipſo Patre Prudentiores. E diverſo; Qui Ingenio ſunt Acuto, aut etiam Eruditione præſtant, quia eorum Animus in perpetua quadam cogitatione verſatur, in ipſo venereo complexu alias res agunt; Quare Semen, quod tunc profluit, quum nihil niſi Corporeum habeat (Animo nempe tum peregrinante) non multum illius Præſtantiſſimæ Facultatis habet. (Corraſius. Not.* 5. *in Arreſtum Parliamenti Tholoſ. p. m.* 21. He quotes *Alex. Aphrod. Prob. Lib.* 29.) A great many Phyſicians have vented this fine Doctrine. Read only *Gaſpar a Reies*, in his 76th Queſtion, where he ſays, among other Things, That wiſe and thoughtful Men, who perform matrimonial Duties, not ſo much to gratify their Inclinations, as to keep Peace at Home; and who, even in the very Performance, have their Minds taken up with Philoſophical Notions, ſee their Children degenerate: He adds, That for a contrary Reaſon, Baſtards are generally ſtrong and ingenious: *Nec ipſo quidem venereo congreſſu, omnino a rerum ſtudio & contemplatione deſiſtunt Prudentes, a quibus cerebrum debile redditur, quo fit ut plerumque tales minus Salaces, minuſque fervidi ſint, & qui non magnopere hanc Monomachiam ardentius expetant, imo detrectent potius, & velut inviti accedant, tantummodo ut uxoribus gratificentur, eaſque pacatiores experiantur, ſiquæ ad concubitus debitum ſolvendum magis videntur accedere, quam avide expetere. (Gaſpar a Reies in jucundo Elyſiar. quæſt. Campo quæſt.* 76. *pag.* 1035.) His Advice is very wide of the Deciſion ſent to the Empreſs *Agnes*, (*viz.*) *Igitur qui optimæ & ſimilis Prolis deſiderio tenentur, non ſecus ac Bruta totos ſe veneri tradere debent, & illius Illecebris cum uxoribus attentos eſſe neceſſe eſt, alioquin ſi aliter Imaginationem occupatam habeant, vel conceptus impedietur, vel propoſito optimæ Prolis fine minime potientur. (Id. Ibid. pag.* 1026.)

And of the Doctrine of the Rabbins, *viz.* The Husband and Wife are forbid to ſpeak a Word in the Act of Conjugal Duty, or to have any but pious Thoughts, without any Application to the Pleaſure; declaring to them, that if they act otherwiſe, their Children will be born deform'd.

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form'd. This Advice is to be found in a Book, whereof *Arodon Benjamind'*, a *German Jew*, is the Author, full of Precepts for Women. It was tranſlated from the *German* into *Italian* by Rabbi *Jacob Alpron.* That Tranſlation was Printed at *Venice* in the Year 5412, according to the *Jewiſh* Calculations (which anſwers our 1652.) after it had been exactly corrected by Rabbi *Iſaac Levita.* That Book is very full of Obſervances, not only for the Cleanlineſs of the Body, but alſo for the Practice of Prayer and good Works. The Obſervances of the firſt Kind contain ſeveral ſuperſtitious, trifling Niceties, or Regularities; and there is ſometimes a great deal of Rigour in thoſe of the ſecond. See what has been ſaid in the *News from the Republick of Learning* (for *November* 1685. p. 1240.) concerning a Book of Mr. *Yvon*, a Miniſter of the *Labadiſts.* So great a Purity in this Kind of Pleaſure is rather to be wiſh'd than hop'd for; nevertheleſs the Caſuiſts are to be commended for inſiſting upon it, and endeavouring to introduce Purity, where the Paſſions of a Brutal Luſt have but too much Sway. Had our Rabbi believ'd, as the Church of *Rome* does, that Marriage is a Sacrament, he could not have requir'd more Holy Diſpoſitions from the marry'd, than thoſe he demands: He impoſes upon them, at the ſame time, the Law of the *Favete Linguis* (*Hor.* Od. I. Lib. 3. See his Commentators on this Place) the Obſervation whereof the *Pagans* recommended in their great Myſteries, and that of *Surſum Corda*, which the Ancient Church never forgot to notify in the Celebration of its moſt Auguſt Ceremonies. In a Word, it is certain, that had he receiv'd the Doctrine of Jeſus Chriſt with a true Faith, and had been animated with the Spirit of Grace, he could not have given Counſel more worthy of the Evangelical Purity. This ought to ſhame the looſe Caſuiſts, who are ſo common among Chriſtians. Note, That the Rules of this Rabbi do not at all agree with the Advice of Phyſicians; theſe pretend, that a Child conceiv'd under Diſtractions of Mind, I mean, under ſerious, grave, and immaterial Thoughts, is ſilly, fooliſh, and weak; and they give quite other Inſtructions to thoſe who deſire Children; (*Roderick de Caſtro de Natura Mulierum*, Lib. 3. c. 5.) but any one of tolerable Senſe will grant, that they lead

Mankind into a very School of Chaſtity; their Precepts are calculated only for thoſe who would limit all Things to an animal, earthly, ſenſual, and epicurean Life. We muſt go to that Rabbi's School, if we would learn to demean our ſelves in that Part of Duty like Creatures endow'd with a Spiritual Soul, and not deſerve the Cenſure,

> *O curvæ in terras Animæ, & cæleſtium inanes.*
>
> (Perſ. Sat. 2. v. 16.)

We ſhall the better comprehend how excellent and ſublime the Morality of that *Jew* is, if we remember it is directly oppoſite to the Maxims of thoſe Doctors of Impurity, who have fill'd their Poems with ſo much Laſciviouſneſs. Theſe dangerous Poyſoners are far from adviſing Silence; and it is that made a modern find ſome Proof of the Interpretation, which he has given to the Words of a *Greek* Poet, which contain the Deſcription of the Grotto of the Nymphs. ‘ As for the pleaſant Murmurings (ſays he) mention'd by *Homer*, they are without doubt thoſe obliging Words of Lovers, the *O bi me Cor mio* of the *Italians*; the Ζωὴ ϗ Ψυχὴ of the *Greeks*; and the *Xima de mi Alma*, Soul of my Soul, of the *Spaniards*,’ which accompany the moſt favourable Privacies, and which make the moſt learned of all the Poets in *The Art of Love* to ſay, *viz.*

> *Accedant queſtus; accedat amabile Murmur,*
> *Et dulces gemitus, aptaq; verba joco.*
>
> (De Arte Amandi.)

Hear what he ſays in another Place;

> *Et mihi Blanditias dixit; Dominumq; vocavit*
> *Et quæ præterea Publica verba juvant.*
>
> (Amor. El. 6.)

I will not inform you, that the Term (*juvare*) is altogether Critick, and conſecrated to the utmoſt Delights of Love, which theſe two Verſes of the ſame Author expreſs again, as well as the Murmurs.

> *Me voces audire juvat ſua gaudia faſſas*
> *Utq; morer, me, me, ſuſtineamque roget.*
>
> (De Arte Amandi.)

The famous *Epithalamium* of the Emperor *Galienus*, which *Trebellius Pollio* prefers before thoſe of an Hundred other Poets, who all exercis'd themſelves on the ſame Subject, does wonderfully well repreſent this ſoft and obliging Murmur, and the Careſſes which are inſeparable from it. It is ſaid, that holding the Hands of two of his Brother's Children, when he marry'd them, he pronounc'd theſe Verſes of his own making.

Ite, ite, o Pueri, pariter Sudate Medullis
Omnibus inter Vos; non Murmura veſtra Columbæ,
Brachia non Hederæ; non vincant oſcula Conchæ.

It's certainly very hard to ſay any thing more Pathetick, or Paſſionate, on this Head. To be diametrically oppoſite to theſe falſe Doctors, thoſe Plagues of Youth, is no ſmall Commendation; it is a juſt Preſumption, that the Morality which one advances is of admirable Purity. Add to all this, the judicious Anſwer of the famous Mr. *Drelincourt*, to a Biſhop who had made uſe of an Obſervation altogether unbecoming, I won't ſay of a Perſon of his Character, but even of a Laick, who did not highly reliſh a wanton Style. Theſe are Mr. *Drelincourt*'s Words, 'Inſtead of waſhing out with his Tears thoſe ways of 'ſpeaking, that the Virgin *Mary* is the Spirit and Life 'of Chriſtians, he defends them with Railleries, which 'would better become thoſe who tread the Stage. You, 'Gentlemen, ſays he, Paſtors of the Proteſtant Church, 'who have your Counterparts, not as inſeparable Acci'dents of your Subſtance, ſo much as Bone of your Bone, 'and Fleſh of your Fleſh; nay, who are but one Fleſh in 'two Perſons, have indeed much more careſſing Terms 'for thoſe Souls of your Souls, thoſe Lives of your Lives, 'thoſe Lives of your Hearts and Souls, thoſe Souls of 'your Lives and Hearts, than all the World knows of; 'for you are thoſe Spiritual Perſons who judge all the 'World, nay, the very Angels; and with much more 'Reaſon the *Romaniſts*, without being ſubject to be judg'd 'by any.' I do not know how he might have his Information, and ſha'n't anſwer for what thoſe ſay who have Wives by ſtealth. But a grave Perſon, who lives in a chaſte Marriage, does not ſtudy ſuch extravagant Rhetorick.

rick. The Prelate reply'd in a manner ſo Bürleſque, that nothing could exceed it.

But to return (after this Digreſſion) to the firſt Matter. *Cicero* would have laugh'd at this pretended Cauſe of the Dulneſs of Children; for he ſays, the Soul is ſo abſorb'd, that it is not capable of any reaſonable Act. *Cujus (voluptatis) motus ut quiſq; eſt maximus, ita eſt inimiciſſimus Philoſophiæ; congruere enim cum Cogitatione magna voluptas Corporis non poteſt: Quis enim, cum utatur voluptate ea, quâ nulla poſſit eſſe major, attendere Animo, inire rationem, aut cogitare omnino quidquam poteſt? (Cic. in Hortenſio apud Auguſtin. contra Pelagium, Lib. IV.)* He has confirm'd this in another Book, by the Authority of a great *Pythagorean* Philoſopher *(Architas Tarentimus) Cumq; Homini ſive Natura, ſive quis Deus nihil Mente præſtabilius dediſſet; huic divino muneri ac dono nihil eſſe tam inimicum, quam voluptatem; nec enim Libidine dominante Temperantiæ locum eſſe, neq; omnino in voluptatis Regno Virtutem poſſe conſiſtere; quod quo magis intelligi poſſit, fingere animo jubebat; tanta incitatum Aliquem voluptate Corporis, quanta percipi poſſit maxima; nemini cenſebat fore dubium, quin tam diu dum ita gauderet, nihil agitare mente, nihil ratione, nihil Cogitatione conſequi poſſet; quocirca nihil tam deteſtabile, tamq; peſtiferum, quam voluptatem; ſiquidem ea, cum major eſſet, atq; longior, omne animi lumen extingueret. (Cicero, de Senectute, c.* 12. *p. m.* 417.) This is *Cicero*'s Opinion, which is agreeable to that of the greateſt Men of Antiquity.

Hippocrates and *Democritus* call'd the Venereal Act, a ſmall Epilepſie; what can be added to this Definition? Doth it not emphatically expreſs that ſuch a Condition allows not the Soul a Freedom of Thought? But let's not here forget the Divine *Plato*. ‘It is reported (ſays he) ‘that the Gods forgive falſe Oaths to the Pleaſures of ‘Lovers, as if they were Children void of Underſtanding.’ *Ariſtotle* obſerves, that Pleaſures are Clogs to the Faculty of Thinking well; and that thoſe of Love give not the Soul leave to meditate, or examine one Thing. *Montagne* was not altogether of this Opinion, and he went upon his own Experience. Here are his Words: ‘Thoſe who ‘cry down Senſuality, gladly make uſe of this Argument,

‘ That when it is at its Height, it maſters us ſo much, that Reaſon is ſhut out of Doors; and they alledge the Experience that is made by the Converſation of Women.

> *—Cum jam præſagit gaudia Corpus*
> *Atq; in eo eſt Venus, ut Muliebria conſerat Arva.*
> (Lucret. Lib. 4.)

‘ Where it appears to them, that Pleaſure tranſports us ſo much beſides our ſelves, that our Reaſon being charm'd and captivated, cannot exert it ſelf. I know that it may happen otherwiſe; and that if one will, he may arrive at that very Inſtant to bend his Thoughts on ſomething elſe; but they muſt be purpoſely ſtrain'd and ſtretch'd. I know that the Effort of this Pleaſure may be check'd, and I have ſome Inſight in it; for I have not found *Venus* ſo imperious a Goddeſs, as many and more moderate Men than I pretend. *(Montagne's Eſſays, Lib.* 2. *Chap.* 11. *pag. m.* 172.) ‘ This would be a ſlender Excuſe for thoſe Monks that we attack here. The Obſervation which an *Italian* Phyſician hath made, would teach them better their Duty. The very Thought (ſays he) ‘ of ſuch an Action overſets Reaſon, and inſpires a ſort of a Fury.’ *Atq; utinam in ipſo veneris Actu duntaxat mente privaremur, non etiam in prævia Meditatione ad eundem, quem furorem & Rabiem dixit & deſcripſit Virgilius, Lib.* 3. *Georg. hiſce Carminibus:* (He puts here 24 Verſes of *Virgil*). *Tranſimus conſulto Carminis Majeſtatem, Leporem, poſſuntne apertioribus Argumentis Phyſicè comprobari, quas Furias addat ſola Meditatio veneris non Homini tantùm, ſed & Brutis quoque cæteris: Pudenda itaq;* (it muſt be noted, that he enquires into the Reaſon, why thoſe Parts deſign'd for Generation are call'd *Pudenda*) *vel Partes reprehenſibiles exiſtunt; quòd Animalia omnia in Rabiem agant, Naturæ cancellis proprius amoveant; in Homine verò maximè omnium jugulent ipſam rationalem Animam. (Marcus Antonius Ulmus Phyſiologiæ barbæ humanæ, Sect.* 2. *Cap.*3. *p.* 128.) We may ſee in another Place (in one of the Remarks of the Article *Frances*) a Paſſage of *Melancthon*, which hath ſome Affinity with this. But we muſt not refer St. *Auguſtin*'s fine Maxim to another Place. He concludes, Since the Soul is affected with ſuch an Exceſs

For curſed *Cain* (1) was the firſt-begotten Son of *Adam*, the beſt of Fathers; and of him the ſame Man was good *Abel* (2) begotten; *Jacob* (3) alſo, and *Eſau* (4), were the Twins of a moſt bleſſed Father; of which two, God lov'd the one, and hated the other. And if there be any thing of great Operation, which is paſſed over together with Man's Seed, it is altogether Vice, ſo far off is it from being of any Vertue, which is ever with Labour and

Study

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of Pleaſure, as to be incapable of any intellectual Function, every Man who is truly wiſe, and ſenſible of Holy Pleaſures, had rather that the Conjugal Duty were ſeparated, if poſſible, from the voluptuous Senſation which accompanies it. *Hæc autem (Libido) ſibi non ſolum totum Corpus, nec ſolum extrinſecus, verum etiam intrinſecus vendicat; totumq; commovet hominem, Animi ſimul affectu cum Carnis Appetitu conjuncto atq; permixto, ut ea voluptas ſequatur, qua major in Corporis voluptatibus nulla eſt; ita ut momento ipſo temporis quo ad ejus pervenitur extremum, pene omnis Acies & quaſi vigilia cogitationis obruatur. Quis autem Amicus Sapientiæ Sanctorumq; gaudiorum, Conjugalem agens vitam, & ſicut Apoſtolus monuit, ſciens Vas ſuum poſſidere in Sanctificatione & Honore, non in morbo Deſiderij, ſicut & Gentes, quæ ignorant Deum* (1 Theſſ. 4.) *non mallet, ſi poſſet, ſine hac Libidine Filios procreare, ut etiam in hoc ſerendæ Prolis Officio, ſic ejus menti, ea, quæ ad hoc opus creata ſunt, quemadmodum cætera, ſuis quæq; operibus diſtributa, membra ſervirent, nutu voluntatis acta non æſtu Libidinis incitata? Auguſt. De Civit. Dei, Lib* 14. *Cap.* 16. *p. m.* 129. (*Hiſt. & Crit. Dict.*)

(1) *Cain*]

Study got, but never born. An Emperor, for his bodily Subſtance, is no better than another Man; and yet, for the Highth of his Dignity, is moſt like to God. *Demoſthenes* (5), the famous *Grecian* Orator, ſaith alſo, wicked Sons (as it were by a certain fatal Deſtiny) may be born of good Parents. It is alſo commonly ſaid in the *Greek* Proverb, The Misfortunes of the Worthies Sons. I might produce the Mathematicians (6) and Aſtrologers (7) Opinions herein, who affirm Nobility and Ignobility much more certainly to depend upon the Force and Influence of the Stars, than the Conſtitutions of Parents.

And yet the vulgar Sort (and not without Cauſe) are apt to expect ſome greater thing in Princes Children than in Poor Mens, of which their Hope and Expectation there are many Reaſons alledg'd; as the great Means Noblemen have for the beſt bringing up and inſtructing of their Children, (for it would be a Shame to the Son, ſhould he degenerate from his Father's Nobility) in ſhort, the plenty of Kinſmen and Friends giving them good Counſel. Nor was the Poets Mind any other, if we mark his Concluſion,

Doctrina ſed vim promovet inſitam;
Rectiq; Cultus pectora roborant.

By Nature's ingrafted or hidden Power, he underſtands certain Seeds of Vertue, which, by the Goodneſs of God alone are yet in Man's Nature, which become not otherwiſe fruitful than the Seeds of Herbs do, according to the Manner and Faſhion they are manur'd and order'd with; ſo that a Man well brought up may much more eaſily obtain Philoſophical Nobility, than a Man well born.

And therefore poor Country Mens Children, who know nothing more than their Beaſts and Cattle, ſeem rather rude Sylvans than Men; whereas others born in better Place, even in the ſame Schools, and ſame Studies, ſtrive with Noblemens Children (and would to God they did not) both with greater Profit and Commendation.

Other

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(1) *Cain*] Whoſe Name ſignifies *Acquiſition*, was eldeſt Son of *Adam* and *Eve*: he ſlew his Brother *Abel*, without having any regard to God's Admonition, becauſe God had rejected his Offering (which was the Fruits of the Earth) and accepted *Abel*'s (which was the Firſtling of his Flock) for which God denounc'd againſt him the Puniſh-

ment of Baniſhment, and a vagabond Life, which made him greatly fear, that the firſt he met with would kill him. But God Almighty to Silence that Fear ſet a Mark upon him, thereby reſtraining the Hands of thoſe who ſhould meet him. Men are not ſatisfy'd about this Mark, and their Opinions ſeem meer Viſions; but certain it is, that *Cain*'s Mark was intended him for his Benefit, *i. e.* to be a Safe-guard to him. After this Murther, he withdrew into the Land of *Nod*, to the *Eaſt* of the Garden of *Eden*, where he built a City, which he call'd *Enoch*, from his eldeſt Son's Name; ſurrounded it with Walls, peopled it with Inhabitants, and was the firſt (according to *Joſephus*) who invented Weights, Meaſures, and Land-Marks; Things very uſeful in a City, whoſe Inhabitants *Cain's* Example had accuſtomed to all ſorts of Injuſtice; and yet *Joſephus* inconſiderately blames him for introducing the Uſe of them; which obliges me to take Notice of a Thing which is but too common, *viz.* When once a Man is grown ſcandalous for his ill Actions, the very Good he does, ſhall be laid to his Charge; *Joſephus* has confounded Things very eaſy to be diſtinguiſhed. Becauſe Weights and Meaſures have not (forſooth) the Air of Honeſty and Simplicity, therefore he thought, that they who firſt invented them, debauch'd Mankind, teaching them Quirks and new Tricks of Knavery; and yet one muſt be blind not to ſee, that on the contrary, the Diſeaſe preceded the Remedy, and the Weights and Meaſures became neceſſary to keep Men honeſt in ſpight of their Teeth; *Cain* did in this, as other Tyrants are us'd to do, who having open'd the Gate to a thouſand Diſorders, procure wholſom Laws to ſtop the Progreſs of them: The antient Tradition of the *Heathen* has very ſingular Things concerning *Cain*'s Death; for it aſſerts that he was kill'd by *Lamech*, who ſeeing the Leaves of a Buſh ſtir, under which *Cain* lay, he ſhot an Arrow into it, and kill'd him, *A. M.* 688, according to *Torneil* and *Salian*, tho' others think it was in 701.

Verſtegan's Etymology of the Word *Cain* is, *viz.* *Cain*, written in old *Teutonick* Orthography *Kain* (for that *C* and *K* are therein us'd indifferently) is otherwiſe written *Quain*, and ſignifieth wrathful, angry, or ſhrew'd; and ſuch was that unnatural, wicked Wretch unto his good Brother *Abel*. (*Reſtitution of decay'd Intelligence.*)

(2) *Abel*] Second Son of *Adam* and *Eve*, was a Shepherd, and was murther'd by his Brother *Cain*, *A. M.* 130, becauſe God accepted his Offering, and rejected his Brother *Cain*'s. (*Gen.* chap. 4.) 'Tis a Queſtion whether *Abel* died in Celibacy; ſome of the Fathers, *viz.* St. *Baſil*, St. *Ambroſe*, &c. think he died a Batchelor. If *Etychius*'s Tradition were true (which I ſhall mention by and by) his Celibacy is undubitable; for according to that, his Death happen'd before the Marriage of the two Brothers. It ſeems not at all probable to thoſe, who believ'd *Abel* liv'd 129 Years, that he died in Celibacy; Continence was not in thoſe Days a proper Thing; for it was neceſſary to People the World. Father *Salian* (*Annals* pag. 184.) ſcruples not to own, that *Abel*'s Celibacy is improbable, nor to ſhew that St. *Jerom*, St. *Auguſtin*, and St. *Irenæus* doubted not of his being an Husband. One of the moſt judicious Interpreters of the Scripture, (*Cornelius à Lapide*, in *Gen.* chap. 4. ver. 2.) believes with ſome Rabbins, that *Cain* and *Abel* were Twins. But the Narrative of *Moſes* ſeems clearly to prove the contrary. Various are the Opinions of Men about the Ground of their falling out; ſome ſay their Quarrel was a Diſpute about Religion, *viz.* That *Cain* and *Abel* being together in the Fields; The firſt denied a Judgment, a Judge, an Eternal Life, Rewards for the Righteous, Puniſhments for the Impious, and Creation of the World by God's Mercy, and Government thereof by the ſame Mercy; and for no other Reaſon, but becauſe his Offering was rejected, and his Brother's accepted by God. *Abel* rebuk'd his Brother's Infidelity, and ſaid Yes, where he had put No, and anſwer'd his main Grievance thus, *viz.* That God had been pleas'd with his Offering, becauſe his Works had been better. The Diſpute growing hot, *Cain* aſſaulted *Abel*, and kill'd him. If a Religious Diſpute occaſion'd their Quarrel, it was a ſad Beginning of Diſputes about Religion, and an ill Omen of the dreadful Diſorders they ſhould occaſion in the World, beſides, it affords us an Inſtance of the fooliſh Vanity of Man; he is never ſo much inclin'd to doubt of a Providence, as when Things fadge not as he would have them, when Things ſucceed according to his Mind, all his Doubts vaniſh away, he fancies (forſooth) that he keeps

ſuch a conſiderable Rank in the Univerſe, that he cannot be over-look'd by an equitable and judicious Diſpenſer of Good and Evil; *Eſtis Iò ſuperi (ait Statius)* one of the beſt Orators in the 16th Century) *cum convaluiſſet a periculoſo morbo vir eximiæ probitatis Rutilius Gallicus. At contrà ubi quid contigerat, contrà quod æquum eſſe cenſerent, Deos aut nullos eſſe aut credulos, aut injuſtos eſſe dicebant itaque in morte Tibulli Ovidius,*

> *Cum rapiant mala Fata Bonos, ignoſcite faſſo,*
> *Sollicitor nullos eſſe putare Deos.*

Others will have it, that their Quarrel was all about a Woman; which *Eutychius (Patriarch* of *Conſtantinople)* delivers to us in his Annals thus, *viz.* That *Eve* brought forth together with *Cain* a Daughter call'd *Azrun*, and together with *Abel* a Daughter call'd *Owain*, and that the Time of marrying the two Sons being come, *Adam* deſign'd *Owain* for *Cain*, and *Azrun* for *Abel*, and that he beat *Cain* becauſe he would have his Twin Siſter, who was more beautiful. *Eutychius* adds, That whilſt the two Brothers were going to offer their Offering on a Mountain, by *Adam*'s Order, who deſir'd they ſhould perform that Act of Religion before they married, and that the Succeſs of their Sacrifice ſhould decide their Differences, Satan tempted *Cain* to get rid of his Brother *Abel* for the ſake of *Azrun*; which hindring his Offering from being acceptable to God, ſo inrag'd *Cain* againſt his Brother, that they were no ſooner come down from the Mountain, but he threw a Stone at his Head, and kill'd him. This (if true) made the beautiful *Azrun* (whom *Cain* married after that Murther and carried along with him into his Exile) the Cauſe (tho' innocently) of *Cain*'s Crime, and confirms what *Horace* (a *Latin* Poet) ſaid concerning the Antiquity of the Wars rais'd on Account of Women, *viz.*

> *Nam fuit ante Helenam Mulier teterrima belli*
> *Cauſa* - - - - - (Stat. III. lib. 1.)

The Manner of *Abel*'s Death is alſo variouſly reported. *Eutychius* ſays, it was with the Throw of a Stone. *Pererius* tells us in the following Words, that he tore his

Brother with his Teeth; *Hebræorum nonnulli tradunt eum fuiſſe morſibus à Cain dilaceratum.* (*Perer. In* Gen. lib. 7. *ad* ver. 8, 9. cap. 4.) Others that he knock'd him down with the Jaw-bone of an Aſs: This the Painters are mightily taken with, and hold it for true; others that he us'd a Fork. St. *Chryſoſtome*, that he ſtabb'd him with a Sword: St. *Irenæus*, that he kill'd him with a Sythe, *Prudentius*, that he did his Buſineſs with a Hedging-Bill. But be the manner of his Death what it will, *Pererius* ſays, that *Abel* was neither ſtrangl'd nor drown'd the Scripture teſtifying that he periſh'd by Blood-ſhed. But the manner, how God's Preference of *Abel*'s Obligation came to be known, is not ſo much diſputed. It is commonly enough believ'd that Fire fell from Heaven on *Abel*'s Offering, and that nothing like it appear'd on *Cain*'s. This Tradition is commonly approv'd of by the Fathers of the Church; and that which makes it likely is, *viz.* That Fire deſcending from Heaven on ſeveral Occaſions (as at the Conſecration of *Aaron*, *Gideon*, and at the Sacrifices of *David*, *Solomon*, and *Nehemiah*) ſhew'd that God was well-pleas'd with and approv'd of the Sacrifice.) See the Book of *Judges*, chap. 6. The 1ſt. Book of *Kings*, chap. 18. The firſt Book of *Chron.* chap. 21. The ſecond of *Chron.* chap. 7. The ſecond of the *Maccabees*, chap. 1. (Bayle's *Hiſt. and Crit. Dict.*) *Abel* or *Able* (according to *Verſtegan*'s Definition of the Word, *in his Reſtitution of decay'd Intelligence*) ſignifieth one that is ſufficient, an Able Man, for Able in *Teutonick* is written *Abel*, and in this firſt Bearer of that Name rightly ſignifieth a Man enabled unto the Service of God; for ſo was indeed this Protomartyr of the World.

(3) *Jacob*] *Iſaac*'s Son of *Rebecca*, born *A.M.* 2199. His Story is to be found from *Gen.* 25, to 47. *Joſephus*, *Torneil*, *Salian*, &c. add, that he was particularly well vers'd in Aſtrology, and taught it to his Children.

(4) *Eſau*] The Son of *Iſaac* and *Rebecca*, born *A. M.* 2199, together with his Brother *Jacob*. He was alſo call'd *Edom*, and was the Father of the *Edomites*. See *Gen.* 25, 26, and 36. He is call'd *Prophane* by the Apoſtle, becauſe with his Birthright he ſold the Prieſthood alſo.

(5) *Demoſthenes* the moſt Famous Orator of *Greece*, the Son of a Blackſmith, born *Ann. Rom.* 373, was left Fatherleſs in his Infancy, and much neglected by his Guardians: He was *Iſocrates*'s, *Plato*'s, and *Iſæus*'s Scholar. Having an Impediment in his Speech that he could not pronounce the Letter *R*, by putting Stones in his Mouth, and declaiming upon the Sea-ſhore; he arriv'd to a Perfection of Speaking. At 17 Years of Age he pleaded againſt his Guardians, who were condemn'd to pay him 30 Talents, which he generouſly forgave. He oppos'd *Philip* King of *Macedon*, as much as he could, and *Alexander* the Great after him. When *Antipater* ſucceeded *Alexander*, he fled to the Iſland of *Celauria* to ſave his Life: *Archias* was ſent to apprehend him, but he to prevent it drank Poyſon, which he had prepar'd and kept in his Pen for that Purpoſe, and ſo ended his Life in the 114 *Olympiad*, *Ann. Rom.* 432.

(6) *Mathematicians*] *Mathematici* are thoſe who are skilful in *Mathematicks*, which Originally ſignifies any Diſcipline, or Learning; (Μάθησις ἀ μαθέω, *unde* μανθάνω *diſco*) but now 'tis properly that Science, which teaches or contemplates whatever is capable of being numbred or meaſur'd, as it is computable or meaſureable.

And that Part of *Mathematicks*, which relates to Number only, is call'd *Arithmetick*. That which relates to Meaſure in general, whether Length, Breadth, Motion, Force, &c. is call'd *Geometry*.

Mathematicks may be reckon'd either,

1. Pure, Simple or Abſtracted, which conſiders abſtracted Quantity without any Relation to Matter, or ſenſible Objects, or,
2. Mixt *Mathematicks*, which is interwoven every where with Phyſical Conſiderations.

Mathematicks alſo is divided into Speculative, which propoſes only the Simple Knowledge of the Thing propos'd, and the bare Contemplation of Truth or Falſhood. And Practical, which teaches how to demonſtrate ſomething uſeful, or to perform ſomething that ſhall be propos'd for the Benefit and Advantage of Mankind. (Harris's *Lexicon Technicum*, Vol. I.)

(7) *Aſtrologers*] (*Aſtrologi.* Ἀστρόλογοι, *ab* Ἄστρον, & λέγω, i. e. *Computatores à Computandis aſtrorum motibus*) are thoſe, who are skilful in Aſtrology; an Art, which pretends to foretel future Things from the Motion of the Heavenly Bodies, and their Aſpects to one another; and alſo from ſome imaginary Qualities, which the fooliſh Admirers of this Cheat will have to be in the Stars, as the Cauſes of great ſublunary Effects; tho' they have no tolerable Grounds to prove that there are any ſuch Things. And therefore as I wiſh that ſuch a ridiculous Piece of Foolery as this may be quite forgotten, ſo I have every where omitted explaining any of its Terms, unleſs they fall in with *Aſtronomy*, which is a Mathematical Science, teaching the Knowledge of the Stars or Heavenly Bodies, and their Magnitudes, Diſtances, Eclipſes, Order, and Motions. By ſome it is taken in ſo large a Senſe, as to contain in it alſo the Doctrine of the *Mundane* Syſtem, the Laws of the Planetary Motions, *&c.* which others reckon as a Part of Phyſicks or Natural Philoſophy. *Aſtronomia* (Ἀστρονομία) i. e. *Aſtrorum Diſtributio.* (*Id. Ibid.*)

(1) *Lawyers.*]

Other Reaſons yet remain, which prove Political Nobility not to be a Thing ſubſtantial, but meerly accidental, ſince it may be both preſent and abſent without the Interruption of the Subject whereof it depended; ſo that the Paſſage thereof may be obſtructed by the Commiſſion of ſome heinous Offence; it is alſo loſt by voluntary departing from, or relinquiſhing of the ſame; (*For Naturam expellas furcâ licet uſque recurret*, which we read to have been done by many of the *Roman Patricij*, who refuſing their *Patrician* Dignity, took upon them the State and Condition of the vulgar ſort or Commoners. Now many through the Lawyers (1) Terms are in this Matter deceiv'd, who call the Extinguiſhing of Nobility, for ſome Offence committed, the Corruption of Blood; which manner of Phraſe and Speech they uſe not, becauſe Native Nobility is naturally and eſſentially in the Humour of the Blood, more than any other Hereditary Faculty: But becauſe the Right of Inheritance, which by the Degrees of the Communication of Blood is directed, is by that means determin'd or ended, and in hatred of the Crime it is call'd Corruption, with the Infection whereof all their Children are polluted and defil'd,

Nor

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(1) *Lawyers.*] The leſs I meddle or concern my ſelf with theſe Gentlemen the better; therefore I ſhall only lay down to my Reader their Right, with regard to the Liberty of contradicting themſelves according to *Cicero.*

Anthony (Mark) one of the beſt Orators that ever pleaded in *Rome*, and (as *Cicero* ſays, whoſe Judgment is to be depended upon in thoſe Caſes) an Inſtance that *Italy* could boaſt of, equaling *Greece* in the Art of ſpeaking well, and the greateſt Ornament of his Family, never would publiſh any of his Pleadings, for fear he ſhould be convinc'd of ſpeaking in one Cauſe contrary to what he might alledge in another. The Morality of the Bar did not think it a Scandal in thoſe Days for a Man to unſay Things in Favour of his Client. This Fact, and the Reaſon of it, are two Things remarkable enough to deſerve any alledging Proofs of both. *Cicero* and *Valerius Maximus* are my Vouchers. Hear what *Cicero* ſays: *Hominem Ingenioſum M. Antonium aiunt ſolitum eſſe dicere, idcircò ſe nullam unquàm Orationem ſcripſiſſe, ut ſiquid aliquandò non opus eſſet ab ſe eſſe dictum, poſſet ſe negare dixiſſe.* (*Cicero in Oratione pro Cluentio*). Let's hear alſo what *Valerius Maximus* ſays; *Jam M. Antonio remittendum convitium eſt, qui idcircò ſe aiebat nullam Orationem Scripſiſſe, ut ſiquid ſuperiore judicio actum, ei quem poſteà defenſurus eſſet, nociturum foret, non dictum à ſe affirmare poſſet: qui facti vix prudentis tolerabilem cauſam habuit, pro periclitantium enim Capite non ſolum eloquentiâ ſuâ uti, ſed etiam Verecundia abuti erat paratus.* (Val. Maxim. *Lib. VII. Chap. XIII. No. V.*) I don't think any Critick ſo unreaſonable, as to maintain, that I do not tranſcribe the Word (*Scribere*) right; every Reader, that has common Senſe, will comprehend that *Mark Anthony* never meant to ſay, that he pleaded Extempore, that he wrote down nothing that he offer'd before the Judges; for if this had been his Meaning, he would have given an impertinent Reaſon for his Conduct, ſeeing he had no more Aim, than the preventing any one's making uſe of his own Weapons againſt him: And this he might equally have done, whether he wrote, or did not write down his Pleadings, provided he did not publiſh them; a Manuſcript hid in a Cheſt cannot convict one at the Bar of having formerly maintain'd an Opinion quite contrary to what he advances at preſent. The Man will deny it with the ſame Aſſurance, as if he had pleaded Extempore, without any Fear of being condemn'd to produce the Original of his Plea. Let us conclude then, that the Buſineſs here is not about writing or not writing down what a Man ſpeaks, but about publiſhing, or not publiſhing it. Were it neceſſary to offer Proofs in a Caſe ſo clear, I could ſoon produce two very ſtrong Ones: The firſt ſhould be taken from a Place in *Cicero*, where *Brutus* complains, that *Mark Anthony*, the Orator, had given but one very ſmall Book to the Publick. (*Vellem aliquid Antonio præter illum de ratione dicendi ſanè exilem libellum - - - - libuiſſet Scribere. Cicero* in Bruto. *p. m.* 278.) He there makes uſe of the Word (*Scribere*). The ſecond I might take from that Oration of *Cicero*, in which the Fact in Queſtion is mention'd; for *Cicero* intending to ſhew, that *Mark Anthony* did not guard as much as he imagin'd, repreſents not, that an Advocate is oblig'd to produce the Original of his Plea, but that there are Auditors, who remember a long time after, what they heard a Lawyer offer (*perindè quaſi quid a nobis dictum, aut Actum ſit, id niſi literis mandaverimus, hominum memoriâ non comprehendatur. Id. in Oratione pro Cluentio.*)

The Precautions of this Advocate are neceſſary for Perſons of his Profeſſion; and yet not always ſufficient to ſave their Honour. I remember a Letter, that was publiſh'd in the Year 1685 (the ſecond of the new Letters againſt *Maimbourg*'s Hiſtory of *Calviniſm*) enquiring into the Cauſes of the Contradictions of Authors. The Lawyers are there brought upon the Stage, and here's what is ſaid on their Article; It is ſometimes diverting enough to hear the ſame Lawyer plead in one and the ſame Week for an Husband againſt his Wife, and for a Wife againſt her Husband; if he has a fruitful Imagination, he dwells altogether in his firſt Plea upon the Power of Husbands; he grounds his Arguments on Nature, on Reaſon, on the Word of God, and on Cuſtom: He quotes the Scriptures, he quotes the Fathers, the *Civilians*, and thoſe who have wrote Travels; he declaims againſt Women, and dwells only on general Propoſitions: Two Days after the Scene changes; he entertains other Thoughts quite contrary to the former; he calls the Husbands Authority Uſurpation; he runs over the Holy Scriptures, The Code, Phyſick, Hiſtory, and the Moral Laws in favour of Women, ſtill haranguing on general Principles; for a vehement Spirit thinks it proves nothing, unleſs it affirms and denies without exception; and conſequently if oblig'd to maintain oppoſite Intereſts, muſt neceſſarily contradict it ſelf. It muſt be own'd, that a Lawyer, who pleaded publickly with all the Fire of his Imagination for the Privileges of Women, might be confuted the eaſieſt in the World, next time he pleaded for the Privileges of Men: there needs no more, than referring him to his own Minutes. Our Orator (*Mark Anthony*) would fain have avoided this great Inconveniency, and enjoy'd the Liberty of Contradicting himſelf, by maintaining this Day one Thing, and to

Morrow another, according to the Intereſt of his Clients; it were eaſy to ſhew, that Lawyers are not the only Perſons who make uſe of this Way: Our *Polemick* Divines do the ſame, according to the different Tenets of thoſe they have to deal with.

We have ſeen how *Cicero* has obſerv'd, that the good Memory of the Auditors is the Bane of Lawyers, who contradict themſelves (It's as great a Plague to Miniſters, who, far from contradicting themſelves, repeat from Time to Time, almoſt Word for Word the ſame Sermon). If he had given Examples, he might have better made it appear, that the Precautions of *Mark Anthony* were inſignificant; but it muſt be own'd, that what he adds is ſufficient to juſtify the Conduct of that Orator; 'tis this, *Marcus Brutus* pleading againſt *L. Plancius*, who was defended by *L. Craſſus*, got two of his Friends to ſtand up in Court and read out certain Paſſages in an audible Voice, which he had cull'd out of two Speeches of *L. Craſſus*; ſome highly raiſing the Authority of the Senate, and others depreſſing it: This put the Orator a little out of Sorts, and oblig'd him to frame Excuſes on the Difference of the Times and Cauſes, which had extorted contradictory Opinions from him; *Ego verò* (ſays *Cicero Orat. pro Cluentio*) *in iſto genere libentiùs cùm Multorum tùm Hominis Eloquentiſſimi & ſapientiſſimi L. Craſſi Autoritatem ſequor, qui, cum L. Plancium defenderet Accuſante M. Bruto, Homine in dicendo vehementi & callido, quùm Brutus duobus recitatoribus conſtitutis ex duabus ejus Orationibus capita alterna inter ſe contraria recitanda curâſſet, quod in diſſuaſione rogationis ejus, quæ contra coloniam Narbonienſem ferebatur, quantum poteſt de Authoritate Senatûs detrahit; in ſuaſione legis Serviliæ ſummis ornat Senatum laudibus, & multa in Equites Romanos, quum ex ea ratione aſperiùs dicta recitâſſet, quo animi illorum Judicum in Craſſum incenderentur, aliquantum eſſe commotus dicitur: Itaque in Reſpondendo primùm expoſuit utriuſque rationem temporis, ut Oratio ex Re & cauſâ habita videretur*; *Cicero* did not ſtick at diſapproving the Part which *L. Craſſus* choſe on this Occaſion; *Cicero*, I ſay, who had found himſelf in the ſame Circumſtances, his Adverſaries having repeated a Paſſage in one of his Speeches, quite contrary to an Argument he had then in

Hand; he anſwer'd, that the Scrap they repeated, did not contain his true Sentiments; and that what a Man offers as an Advocate, ought not to be conſider'd, as if ſpoke by him in Quality of a Witneſs; that it's the Language of the Cauſe, and not that of the Orator. This is plain, enough they muſt ſpeak according to the Intereſt of the Cauſe, and the Conjuncture of Time, and not according to their Private Opinions. *Ego, ſiquid ejuſmodi dixi* (Idem Ibid.) *neq; cognitum commemoravi, neq; pro Teſtimonio dixi; & illa Oratio potiùs Temporis, mei quàm judicij & Autoritatis fuit --- errat vehementèr ſiquis in Orationibus noſtris, quas in Judicijs habuimus, autoritates noſtras conſignatas ſe habere arbitratur; Omnes enim illæ Orationes cauſarum & temporum ſunt, non Hominum Ipſorum aut Patronorum; nam ſi Cauſæ ipſæ pro ſe loqui poſſunt, nemo adhiberet Oratorem; nunc adhibemur ut ea dicamus, non quæ noſtra autoritate conſtituantur, ſed quæ ex Re ipſâ cauſâque dicantur.* Add to this, the Words that *Cicero* puts in the Mouth of the Orator *Mark Anthony. Oratoris omnis actio opinionibus, non ſcientiâ continetur, (Id. de Oratore) nam & apud eos dicimus qui neſciunt, & ea dicimus, quæ neſcimus Ipſi; ita & illi aliàs aliud iiſdem de Rebus & ſentiunt & judicant, & nos contrarias ſæpè cauſas dicimus, non modò ut Craſſus contra me dicat aliquandò, aut ego, contra Craſſum, quum Alterutri neceſſe ſit falſum dicere, ſed etiam & uterq; noſtrum eadem de re aliàs aliud defendat, quum plus uno verum eſſe non poſſit: ut igitur in ejuſmodi re, quæ mendacio nixa ſit, quæ ad ſcientiam non ſæpe perveniat, quæ Opiniones Hominum & ſæpè errores Aucupetur, ita dicam.* (Note, that theſe Principles ſubſiſt ſtill.)

Baldus, a famous *Civilian* in the 14th Century, the Son of *Francis Ubaldus*, a Phyſician of *Perugia*, was much addicted to contradict himſelf; the Excuſes, wherewith he colour'd his Contradictions, deſerve to be conſider'd; he ſaid, that our Underſtanding alters, and therefore that it argues one Day after one manner, and another Day after another. I believe that he reſerv'd to himſelf in *Petto* the Privilege, which he attributed to the Legiſlators. The Biſhop of *Pavia* ask'd one Day, why the Laws were ſo changeable; *Baldus* anſwer'd him, that the ſame Things become either lawful or unlawful according to the Times;

in Time of War ſome Things are permitted, that are forbid in Time of Peace, wherefore Juſtice concerns all Things that become proper to the Times; ſuch a Conduct is proportion'd to the preſent Circumſtances, therefore it is juſt. Thoſe that make Laws imitate Phyſicians, who permit, order, and forbid the ſame Things according to the Times and Seaſons. 'Tis the Time they obſerve; this was *Balbus*'s Anſwer; and this is either implicitely or explicitely the Principle, on which Authors argue, who confute themſelves when they are to diſpute againſt two ſorts of Enemies. (Bayle's *Hiſt. and Crit. Dict.*)

'Ευπα-

Nor can a ſtronger Argument be deviſ'd, to prove Nobility not to be mingled with the Blood, than that the Nobility of the Grand-Father ennobleth not his Nephew by his Son, condemn'd to loſe his Liberty, State or Country; of which this Civil Inſtitution a natural Reaſon is given, *viz.* That an inſufficient Medium obſtructeth and hindreth a Conjunction of the Extremes. But yet the ſame Queſtion was wont to be put to us, which was long ago put to the Antient *Romans*, *viz.* Whether the Nobility of the Father, being a Senator, profits his Son, born before his Father had obtain'd that Dignity? And, Whether ſuch Nobility in the Son be Native or Dative? To which I anſwer, That the Child, by our Cuſtom, is immediately by his Father's Nobility made Noble, and their

Children, like the Boughs of a Tree, remov'd into a richer Ground, are green, and flouriſh with the ſame new Moiſture that the Body of the Tree doth; and ſuch Nobility hath deſerved to be call'd Native, ſince it extendeth not but to thoſe who are born of ſuch a Father: As for Example; a Baron being honour'd with the Title of an Earl, his firſt-begotten Son taketh to himſelf the Title of ſome Barony, and all his Daughters are ſaluted Ladies and Madams.

From which therefore we may conclude, That Native Nobility is drawn from the Father, and that we need not ſeek for it further; for it may ſo fall out, that ſometimes it cannot be deriv'd from the Grand-Father, as if ſome great Offence of the Father interven'd; for a Man born of a Noble Father, is without all doubt by Deſcent Noble. But if any Man will contend that he is not properly *Eugenês*, or nobly deſcended; I anſwer, The Common People principally do reſpect the ſame, but the Judicial Court hath no Care thereof at all; for otherwiſe, ſome new Princes would be of leſs Nobility than ſome mean Noblemen, if the Privileges of Nobility were beſtow'd after the Ballance of proper and true *Eugenia:* Add alſo, that if true *Eugenia* be urg'd, it requireth not only our Great-Grand-Fathers, Grand-Fathers; but even all the reſt of our Anceſtors, in a continu'd Order after them, to be Noble, Rich, Profitable for the Common-wealth, Good Men, and without Spot or Imputation: A hard Sentence indeed, but an harder Rule, and a Conſequence of all moſt hard! Such a Noble-Deſcended Perſon, *eſt rara Avis*, and yet ſome ſuch there be. But concerning that Matter, hear *Ariſtotle*'s Opinion: *Eugenia*, verily (ſaith he) I have found but in few, and no where an Hundred good *Eugenes*; wherefore the *Athenians* more uſually call'd their Noblemen εὐπατέρειοι or εὐπατείδαι, *i. e.* Men born or deſcended of Noble Fathers (1), which Words I know to be often confounded with the Word *Eugenes.*

Having frankly affirm'd Nobility to deſcend from the Father to the Children, what if I ſhould ſay, the ſame Force is in the Mother's Nobility alſo? Surely Reaſon, the Opinion of the Learned, and antient Cuſtom's alſo, will be preſent for the Defence of this Cauſe. If Nobility draw any thing Natural at all from the Parents, almoſt the whole Conſtitution of the Child is to be given to the Mother. It hath alſo ſuch Shape (if we may believe Philoſophers)

phers) as the Mother conceiveth together with the Seed; for firſt it taketh Life from the Mother, it taketh likewiſe Nouriſhment of and from the Mother, and Growth from the Mother; and, in ſhort, by the Conſent of all Men, it, together with Spirit and vital Humour, draweth from the Mother, Affections, Vertues, and Vices. And that ſuch Power is in the Mother, is manifeſt by the Precepts of Phyſicians (2), who command Parents to be moſt careful, to what Nurſes they put their Children to be nurſed (3).

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(1) 'Ευπατρειοι or εὐπατρείδαι; *i. e.* Men born of Noble Fathers, or deſcended from thoſe old Heroick Anceſtors, who were Famous in Hiſtory, as the *Praxiergidæ*, *Cynidæ*, *Ceryces*, &c. All which had a great Privilege annex'd to their Quality. Theſe Families wore a Graſhopper in their Hair, as a Badge of their Nobility. Their 'Ευπατρείδαι were diſtinguiſh'd by the *Athenians* from the Farmers and the Tradeſmen, into which three Diviſions all the People were rang'd by *Solon*.

(2) *Phyſicians*] *Alcmæon*, born at *Crotona*, a Diſciple of *Pythagoras*, is thought to be the firſt that writ upon Phyſicks.

Some Phyſicians demanded exorbitant Fees in the 13th Century. Here follows a Proof of that. *Aponenſis* (*Petrus*, call'd by ſome *Pierre d'Avane*) one of the moſt famous Philoſophers and Phyſicians of his Century, was born in the Year 1250, in a Village ſituated four Miles from *Padua*. He ſtudy'd a long time at *Paris*, where he was promoted to the Degrees of Doctor in Philoſophy and

Phyſick. 'Tis uncertain whether he dy'd very rich, but that he made his Patients pay exorbitant Fees is not to be queſtion'd, that being recorded in Books. There is no Notice taken of what he exacted for the Viſits he made in the Place of his Reſidence; but it's affirm'd, he would not go out of Town to viſit the Sick under 150 Franks a-day. (*Merklinus in Lindonio renovato, pag.* 878.) They add (*Id. Ibid.*) that being ſent for by Pope *Honorius* the IVth, he demanded 400 Ducats a-day: This we find in the Abridgment of his Life, inſerted in the new Edition of *Vander Linden de Scriptoribus Medicis. Camerarius* (*Meditations Hiſtoriques, Tom.* 1. *Cap.* 4.) relates the ſame thing, but without naming the Pope who ſent for this Phyſician. He does not do the ſame as to the Place where *Peter Aponenſis* liv'd; he ſays it was at *Bologna*: He mentions indeed Pope *Honorius* the IVth, but ſays, that the Phyſician who exacted ſo vaſt a Sum from that Pope, was not *Peter Aponenſis.* Theſe are his Words according to *Simon Giulart*'s Tranſlation. 'In the Time of our Fathers there was a Phyſician of *Florence*, whoſe Name was *Thaddeus*, who acquir'd ſuch a Reputation, that practiſing out of Town, he gain'd 50 Crowns a-day; and being ſent for by Pope *Honorius* the IVth, had 100 Crowns a-day of him, ſo that he brought away 10000 Crowns from *Rome*.' (*Id. Ib.*) If he had conſulted Chronology, he would not have ſaid in the Time of our Fathers, for that Pope was elected in the Year 1285, and dy'd in the Year 1287. *Dom. Lancelet de Perouſe* quoting *Ciaconius* (*in Vita Honorii* IV.) ſays, that this *Thaddeus*, a *Florentine*, and Profeſſor at *Bologna*, made thoſe, whom Pope *Honorius* the IVth ſent to him, promiſe, that he ſhould have 100 Crowns a-day; and adds, that that Journey was worth to him 10000 Crowns; but obſerves that others write, that *Peter Aponenſis* had 400 Crowns a-day of that Pope: He had ſaid, that this *Peter* never went out of Town to viſit the Sick unleſs they gave him 50 Florins: You'll find in the *Theatre* of *Paul Freher*, that he was a Profeſſor of Phyſick at *Bologna*, and that he was ſent for from all Parts of *Italy*, tho' he exacted 50 Florins a-day; you'll likewiſe find there, that he bargain'd with *Honorius* the IVth for the Sum of 100 Florins a-day; and that having cur'd that Pope, he receiv'd ceiv'd 1000 Crowns of him; Variations in abundance! yet we may gather from them certainly enough, that our *Peter*, and other Phyſicians, took exorbitant Fees of their Patients in thoſe Days. 'Tis not hard to produce Home-Teſtimonies of ſuch Phyſicians in this Age.

Their Privileges with the Ladies come next to be taken Notice of. *Aragon (Joan* of*)* the Wife of *Aſcanio Colonna*, Prince of *Tagliocozzi*, was the moſt Illuſtrious Lady in the 16th Century. She was born in *Naples*, and deſcended from the Kings of *Aragon*. The Wits of her Time ſounded forth her Praiſes in an extraordinary Manner. The Philoſopher, *Auguſtin Niphus*, was none of the laſt in paying her his Homages. He repreſented her ſo wond'rous Beautiful, and particulariz'd the Perfections of her Body in ſuch a Manner, that ſome Authors have ſaid, He flatter'd her; and that Love had put him upon theſe high Strains. *Lewis Guyon* cannot be perſuaded, that all the Beauties which *Auguſtin Niphus* aſcribes to the Princeſs *Joan* of *Aragon*, of the Illuſtrious Family of the *Colonnas*, was real; But, ſays he, I fancy he was in Love with her, and was drawn into it, by having ſeen, touch'd, and handled, ſeveral Parts of her ſick Body, as Phyſicians have a Privilege to do; and that ambitious of getting into her good Graces, he publiſh'd the Book, which he dedicated to her; nothing being likely to gain either on Woman or Maid, ſo much as a Perſuaſion that their Beauty has made one in Love with them.

After which he remarks, that if ſo, the Phyſician forgot the Oath he had taken upon receiving his Degree, which, among other Things, enjoins him, not to covet the Maids or Women he ſhall have in Cure. In the Table of Matters he ſays poſitively, That *Niphus* fell in Love with the Princeſs *Joan* of *Aragon*, by handling her as a Phyſician, and feeling her Pulſe. It has alſo been pretended, that his Quality of Phyſician had given him Privileges which inflam'd his Heart. The Poets and others have long ſince made Reflections on this Privilege of Phyſicians. Thus *Ovid* makes the amorous *Acontius* ſpeak:

Me Miſerum! quod non Medicorum juſſa miniſtro,
Aſtringoq; Manus, Inſideoq; Thoro;

Et rurſus Miſerum! quod, me procul inde remoto,
Quem minime vellem, forſitan alter adeſt.
Ille manus iſtas aſtringit, & aſſidet ægræ,
Inviſus ſuperis, cum ſuperiſq; mihi.
Dumq; ſuo tentat ſalientem Pollice venam
Candida per Cauſam Brachia ſæpe tenet:
Contrectatq; Sinus, & forſitan Oſcula jungit;
Officio Merces plenior iſta ſuo eſt.

Now for the firſt Phyſician that ever came to *Rome*, and in what Year of the City: *Caſſius Hemina* (ſaith *Pliny*, in the firſt Chapter of the 29th Book) a very Ancient Author, aſſures us, That the firſt Phyſician, that ever came to *Rome*, was *Archagatus*, *Lyſanias*'s Son, who remov'd thither out of *Peloponneſus*, in the Year of *Rome* 535, where he had the Privilege of a Citizen, and had a Shop bought for him in the Place call'd *Acilia.*

Phyſicians aſcrib'd much to the Influence of the Stars, in diſcourſing of the Diſtempers of their Patients, about the Beginning of the 17th Century. (Bayle'*s Hiſt. and Crit. Dict.*)

I ſhall cloſe up, what I have ſaid of theſe Gentlemen, with this Maxim in their Favour; We are to uſe Humane Means, as if there were no Divine; and Divine, as if there were no Humane.

This is the Precept of a great Maſter, and ſeems to be altogether founded on the 38th Chapter of *Eccleſiaſticus*, which commands us to have Recourſe to Phyſicians, and to neglect nothing of what they preſcribe: and, next to that, to put entire Confidence in God, who is the ſole Diſpenſer of Cures.

Honora Medicum propter neceſſitatem. Etenim illum creavit Altiſſimus ---- Altiſſimus creavit Medicamenta, & Vir Prudens non abhorrebit illa---- Da locum Medico & non diſcedat a te, quia opera ejus ſunt neceſſaria. Theſe are Humane Means.

Fili, in tua Infirmitate ne deſpicias teipſum, ſed ora Dominum, & ipſe curabit te. Theſe are Divine Means. This Leſſon alſo extends to all the other Neceſſaries of Life. (*Art of Prudence.* By Mr. *Savage.*)

(3) *Chil-*

(2) *Children to be Nurs'd*] 'Tis pity this Cuſtom, which, amongſt others of our *Saxon* Anceſtors, *Verſtegan* deſcribeth to us, is not kept up now a-days (*viz.*) The Children (ſaith he) were commonly nurs'd by their own Mothers; and it was accounted a great Shame for a Mother to put a Child forth to Nurſe, unleſs it were upon ſome abſolute Neceſſity; they holding it among them for a General Rule, That the Child, by ſucking a ſtrange Nurſe, would rather incline unto the Nature of her, than unto the Nature of its own Father and Mother; ſo that they look'd upon Mothers to be the moſt natural Nurſes to their own Children.

(1) *Xanthij*]

In ſhort, if the Vertue of the Father be in the Children to be reverenc'd, why ſhould not the Mother's be ſo alſo? The Manner of the Sex doth neither diminiſh, nor increaſe Nobility, which is for it ſelf to be deſir'd. Nay, in tender Women, it ſeemeth to have both more Luſtre and Grace. And certain it is, that amongſt the Cauſes for which the Honour and Dignity of Perſons is increas'd, or diminiſh'd, that is of all others the lighteſt, which is drawn from the Difference of the Sex. *Plutarch* writeth, that among the *Xanthij* (1), the Sons were ingrafted into the Stock and Family of their Mothers, and from them the Name of the Stock and Kindred was deriv'd, and not from their Fathers. The ſame thing *Herodotus* (2) reporteth of thoſe of *Lycia* (3), that they ſhould take the Name and Credit of their Stock and Kindred from their Mothers; and that he was with them a Free-born Man, and Noble, who was born of a Free-born Woman, and Noble, altho' his Father were a Slave, or baſe common Perſon.

Yea,

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(1) *Xanthij*] So call'd from *Xanthus*, a River of Leſſer *Phrygia*, in *Aſia Minor*, or *Natolia*, otherwiſe call'd *Scamander*, near which they liv'd. This River was call'd *Xanthus* for the Property of its Water, which makes the Wool of Sheep that drink of it Yellow, which the *Greeks* call *Xanthum*. (Ariſt. *Hiſt. Animalium*, *Lib.* 3.)

(2) *Herodotus*] A Famous Hiſtorian, born at *Halicarnaſſus*, liv'd about 450 Years before our Saviour. He wrote at *Samos* a General Hiſtory in nine Books, concerning the Actions of 240 Years, until the War amongſt the *Greeks*, call'd *Bellum Peloponneſiacum*, where *Thucidides* began, which was ſo well approv'd of, that it was intitled, *The Nine Muſes*. After publick Reading in the Olympick Games, he is thought to be Author of *Homer*'s Life, but many Queſtion it. *Cicero* calls him The Father of Hiſtory.

(3) *Lycia*] A Province of *Aſia*, whereof one Part is now call'd *Adinelli*, and the other *Mantefelli*, or *Briquiaza*. It lyes between *Caria* and *Pamphylia*, and took its Name from *Lycus*, the Son of *Pandion*. This Province was Famous for the Mountain *Chymæra*, often mention'd by the Poets, and for the Cities of *Patara* and *Mira*, the Birth-Place of St. *Nicholas* and *Andriaca*. *Cicero* ſays, The People of *Lycia* are excellent Archers.

(1) *Virgil*]

Yea, and by the Law of the *Romans*, the Sons, in ſome Caſes, follow the Beginning of their Mothers: Nor is it a Thing unheard-of with us, nor with other Nations, for Sons to have taken to themſelves Names from their Mothers, who were of greater Nobility than their Fathers; as *Rennatus de Clara*, &c. We may alſo with *Cornelius Tacitus* read this Sentence, viz. *Jam depulſo Nerone, quiſnam eligeretur, inquirebant, & omnium ore Rubellius Plancus, cui Nobilitas per Matrem ex Julia Familia.* And herein differ not *Virgil* (1), *Ovid* (2), and *Statius Papinius* (3), whoſe Verſes I have thought good here to ſubjoin.

----Genus huic Materna ſuperbum
Nobilitas dabat; incertum de Patre ferebat.
(Virg.)
Eſt quod per Matrem Cylenonen addita nobis
Altera Nobilitas---- (Ovid.)

Huic fuit Evander, qui quanquam clarus utroq;
Nobilior ſane Sanguine Matris erat. (Ibid.)

Sed quicquid Patrio ceſſatum eſt Sanguine Matri
Reddidit, obſcurumq; latus clareſcere vidit

Connubia gaviſa domus, &c.
Stemmate Materno Fœlix, virtute Paterna.
(Stat. Pap.)

Now the Reaſon which many learned Men bring, to prove the Son to be Partaker of his Father's Nobility, is this, *viz.* Every Thing Compound partaketh of the Form and Matter which agreeth to both the Parents; and hence, where the Law is not repugnant to Reaſon, this Rule is to be held for true.

And now having ſpoken thus much concerning Nobility Native (or by Birth) I ſhall directly from hence proceed to Nobility Dative, (or Nobility which cometh by Gift.)

CHAP.

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(1) *Virgil*] (In *Lat. Pub. Virgilius Maro*) the moſt Excellent of all the Antient *Roman* Poets, flouriſh'd during *Auguſtus*'s Empire. He was born on the 15th of *October*, *An. Rom.* 683, in a Village (call'd *Andes*) not far from *Mantua*. He ſpent the firſt Seven Years of his Life (according to *Donatus*, to whom *Virgil*'s Life is aſcrib'd) at *Cremona*, a noble *Roman* Colony; after which he remov'd to *Milan*, and made ſome Stay there, and then went to *Naples*, where he ſtrenuouſly apply'd himſelf to the Study of the *Latin* and *Greek* Literature, as he did afterwards to the Mathematicks and Phyſick. He was alſo a good Floriſt, Naturaliſt, and Geographer: Thoſe, who tell us his Eclogues were admir'd by *Cicero*, are much out in Chronology; ſince it is certain, that they were not written till after the Triumvirate of *Octavius*, *Marc Anthony*, and *Lepidus*; during which, as the

World is ſufficiently inform'd, *Cicero* was cruelly maſſacred: It is affirm'd, not as a Report, but as a certain Truth, that the Inhabitants of *Naples* gave him the Sirname of *Virginal* (deriv'd from Virginity) by Reaſon of the Purity of his Words and Manners. An expreſs Indication of his Modeſty. He wrote indeed in his Youth ſeveral Laſcivious Verſes, to diſcover his Wit, and his Art of painting the Paſſions, and repreſenting Characters, which are not to be taken as an Argument of a debauch'd Mind. And this we are the rather induc'd to believe in favour of *Virgil*, whoſe Vertue on other Accounts was ſo conſpicuous; ſo that the following Verſe may with Juſtice enough be apply'd to him.

Laſcivus verſu mente pudicus eram.

As to his Temper, he was free from the leaſt Appearance of Envy, and diſcover'd ſuch a large Share of good Nature and Civility, that the other Poets, his Contemporaries, who were continually jarring with one another, almoſt unanimouſly agreed in their Eſteem and Love of him, which alone is a ſufficient Elogy. He was an Author not eaſily affected with his own Compoſitions, beſtowing three Years upon his *Eclogues*, ſeven on his *Georgicks*, and eleven or twelve on his *Æneids*; in compiling the 2d of which (*viz.* his *Georgicks*) he dictated ſeveral Verſes in the Morning, and ſpent the reſt of the Day in correcting them, *i. e.* reducing them to a ſmall Number. He compar'd himſelf to a She-Bear, which lick'd her Young into Shape. His *Æneids*, which we look upon as a Compleat Peace, he thought ſo ſhort of Perfection, that he earneſtly deſir'd it might be burn'd, having not been able (thro' the Strength of his Diſeaſe) to give it the finiſhing Stroke; but *Auguſtus* not permitting this to be done, the Poet oblig'd *Tucca* and *Varius* to add nothing, not ſo much as to fill up the Breaks in his Poem. He deſign'd a three Years Retirement in order to poliſh it, and then to apply the reſidue of his Life ſolely to Philoſophical Studies; but dy'd in the Interim at *Brunduſium* (now *Brindi* in *Italy*) the 22d of *September*, 734. Aged 52. and was bury'd, according to his Order, at *Naples*.

(2) *Ovidius Naſo*] (*Publius*) One of the beſt Poets in *Auguſtus*'s Age, was born *An. Rom.* 711. at *Sulmona* (antiently call'd *Sulmo*) a conſiderable City in the Country of the *Peligni*, 90 Miles from *Rome*, during the Conſulſhip of *Hirtius* and *Panſa*; and according to the Account he gives us in the 15th Elegy of his 3d Book *Amoris*, a Gentleman. He was naturally ſo addicted to Poetry, that out of Love to the Muſes, he neglected all Means whereby he might arrive to Places of Dignity: Out of Deference to his Father's Remonſtrances, he check'd, in his Infancy, his Inclination to Verſifying, and apply'd himſelf to the Study of Oratory under *Arellius Fuſcus*, in whoſe School he declaim'd ſucceſsfully. He pleaded ſometime (as he himſelf tells us, *Triſt. Lib.* 2.) for the People, arraign'd at the Tribunal of the *Centumviri*; and that being choſen Arbitrator upon ſome Law-Suit, he decided it like a Man of Honour; but thro' the prevalency of Nature, he ſoon reimbark'd in his belov'd Poetry; which, tho' it extinguiſh'd in him all the Fire of Ambition, fed and inflam'd that of Love. He was furiouſly addicted to the Venereal Pleaſure, and that was almoſt his only Vice. The Qualifications he had by Nature for that Exerciſe, and the Uſe he made of them, he himſelf diſcovers to us in the following Diſtich. (*Amor. Lib.* 3. *Eleg.* 7.)

Exigere a nobis anguſta nocte Corinnam
Me memini numeros ſuſtinuiſſe novem.

He found himſelf freſh and gay in the Morning, after paſſing a whole Night in amorous Embraces, and wiſh'd to die in the actual Fruition of that Pleaſure. Nothing ſeem'd to him more ſuitable to the Life he had led, than to make his Exit in the like Exerciſe. I don't believe that *Lais*, the Curtezan, who dy'd in the manner *Ovid* calls ſo happy, deſir'd that Fate. He was not content with loving and making Conqueſts in the way of Gallantry, but inſtructed likewiſe the Publick in the Art of Loving, and of obtaining Love, by a Book he wrote, entitled, *De Arte Amandi*; for which, and a Fault (fortuitous and involuntary) which he does not reveal, he was baniſh'd by *Auguſtus* (who once eſteem'd him) at 50 Years of

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of Age. He employ'd, in vain, all the Turns of his Wit to pacify the Emperor, whoſe Favour nothing could procure. He liv'd ſeven Years in this Exile, and then dy'd in the Country of the *Getæ* (a People near *Scythia* in *Europe*, taken by ſome for the *Wallachians* or *Moldavians*) where he had been confin'd, the firſt of *January*, in the 199th Olympiad, under the Conſulſhip of *Rufus* and *Flaccus*, i. e. in the 4th Year of *Tiberius*'s Reign, and the 17th of Grace. He marry'd three Wives, the two firſt of which he divorc'd, (*Triſt. Lib.* 3. *Eleg.* 10.) and the 3d he very much prais'd (*Id. ib. Lib.* 1. *Eleg.* 3. *&c alibi*). He wrote ſeveral Pieces, the beſt of which is his *Metamorphoſis*. This was the Judgment of the Author himſelf, and 'twas from thence he chiefly expected his Name would be immortaliz'd; what that Performance would be Proof againſt, he foretels at the Concluſion in theſe Verſes, *viz.*

Jamq; opus exegi, quod nec Jovis Ira nec Ignis
Nec poterit Ferrum, nec edax abolere vetuſtas, &c.

Which Prediction hath not yet prov'd falſe. We have loſt ſome of his Works, *viz.* his ſix laſt Books of the *Faſti*, and a Tragedy of *Medea*, commended by *Tacitus* and *Quintilian*, and a Treatiſe of the Nature of Fiſhes.

(3) *Publius Papinius Stat.*] Son of *Publius Papinius Stat.* of *Naples* (a Perſon ſkill'd in the *Greek* and *Latin* Tongues, &c.) by *Agellina*. He was in great Favour with *Domitian*, to whom he dedicated his two Pieces of *Thebais* and *Achilleis*, the firſt in twelve Books, the other in two, and five Books of *Sylvæ*. He was the Author alſo of ſome Dramatick Poems, which are loſt, as well as his *Agave* mention'd by *Juvenal*, Sat. 7. Toward the latter End of his Life he retir'd to *Naples* with his Wife *Claudia*, and dy'd there not long after *Domitian*.

CHAP.

CHAP. V.

The divers Beginnings of Nobility Dative.

BEING about to ſearch out the other Kind of Political or Civil Nobility, *viz.* Nobility Dative, and that even from the very Original thereof; certain Things before-ſaid ſeem here neceſſary to be again repeated. But firſt I muſt refute the Argument of thoſe who ſay, that ſince *Adam* was a Common Father to all, whence cometh it that one Man ſhould be better than another? To which an Anſwer is given out of the ſame Old Teſtament which gave Foundation to the Queſtion, being of the like Authority with the Chriſtians and Jews. *Noah* (1), when he had planted a Vineyard, and had taſted of Planting, having drank of the Wine, lay drunk and bare in his Tent; and *Ham* (2), ſeeing the Privities of his Father, told it to his Brethren, who upon a natural Honeſty and Vertue, with a Cloak caſt upon their Shoulders, cover'd their ſleeping Father, with their Eyes turn'd from him, and not ſeeing their Father's Nakedneſs. But *Noah* awak'd, and knowing what his younger Son had done unto him, he curs'd *Ham*, commanding him to be a Slave of all Slaves. By this ſhameful and unworthy Act, *Ham* with all his Generation, carry'd away his Father's Curſe, Servitude, and the Title of Obſcure and Baſe Perſons; whereas, contrariwiſe, *Sem* and *Japhet* found all the Names and Titles of Honeſty, Nobility, and Vertue, accompany'd with their Father's Bleſſing.

This

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(1) *Noah*] *Gen.* 9. 21, 28.

(2) *Ham*] One of *Noah*'s three Sons, makes a pretty long and curious Article in this Place, taken *verbatim* out of Sir *Walter Rawleigh*'s *Hiſtory of the World*, and *Bayle*'s *Hiſtorical and Critical Dictionary*, which I hope the Reader will be pleas'd with.

Firſt, then, take what Sir *Walter Rawleigh* ſays of him. Of theſe Sons of *Noah*, viz. *Sem*, *Ham*, *Japhet*, which (ſaith he) was the eldeſt, there is a Queſtion. St. *Auguſtin* (*Civit Dei*, *l.* 16. *c.* 3.) eſteem'd *Sem* for the eldeſt, *Ham* for the Second, and *Japhet* for the youngeſt; and herein the Opinions of Writers are divers. In a few Words, this is the Ground of the Controverſy; the *Latin* Tranſlation, and ſo the *Geneva*, hath converted this Scripture of *Geneſis* the 10th, v. 21. in theſe Words: *Unto Shem alſo, the Father of all the Sons of Heber, and elder Brother of Japhet, were Children born.* But *Junius*, agreeing with the Septuagint, placeth the ſame Words in this manner: *To Shem alſo, the Father of all the Sons of Heber, and Brother of Japhet the eldeſt Son, were Children born*; ſo the Tranſpoſition of the Word (elder) made this Difference. For if the Word (elder) had follow'd after *Japhet*, as it is in the vulgar Tranſlation plac'd before it, then had it been as plain for *Japhet*, as it is by theſe Tranſlations for *Shem*. Now (the Matter being otherwiſe indifferent) ſeeing God's Bleſſings are not ty'd to Firſt and Laſt in Blood, but to the eldeſt in Piety, yet the Arguments are ſtronger for *Japhet*, than for *Shem*. And where the Scriptures are plainly underſtood without any Danger or Inconvenience, it ſeemeth ſtrange why any Man of Judgment ſhould make Valuation of Conjectural Arguments, or Mens Opinions. For it appeareth that *Noah*, in the 500th Year of his Life, begat the firſt of his three Sons (*Shem*, *Ham*, and *Japhet*) *Gen.* 11. 10. and in the 600th Year (*viz.*) the 100th Year following, came the General Flood; two Years after which, *Shem* begat *Arphaxad*, which was in the Year 602 of *Noah*'s Life, and in the Year of *Shem*'s Life 100; ſo as *Shem* was but an 100 Years old two Years after the Flood, and *Noah* begat his Firſt-born being 500 Years old; and therefore, were *Shem* the elder, he had been an 100 Years old at the Flood, and in the 600th Year of *Noah*'s Life, and not two Years after: Which, ſeeing the Scriptures before-remember'd hath deny'd him, and that it is alſo written, *Then Noah awoke from his Wine, and knew what his younger Son had done unto him* (viz.) *Ham*, Gen. 9. v. 24. of Neceſſity the firſt Place doth belong to *Japhet*. This younger Son, ſo converted by the Vulgar and *Geneva*, *Junius* turns it *Filius minimus*, his youngeſt Son; but St. *Chryſoſtom* takes it otherwiſe, and finds *Ham* to be the middle or ſecond Brother, and *Japhet* the youngeſt Son of all; which *Ham*, for his Diſobedience, and the Contempt of his Father (whoſe Nakedneſs he derided) was diſinherited, and loſt the Pre-eminency of his Birth, as *Eſau* and *Reuben* did. *Pererius* (in *Gen.*) conceiveth that *Ham* was call'd the younger, in reſpect of *Shem* the eldeſt, but avoweth withal, that the *Hebrew* hath not that preciſe Difference of younger and youngeſt, becauſe it wanteth the Comparative Degree. It is true that *Shem* himſelf was always nam'd in the firſt Place; yet whereas in the firſt Verſe of the 10th Chapter of *Geneſis*, *Shem* is accounted before *Japhet*; in the 2d Verſe *Moſes* leaveth to begin with the Iſſue by *Shem*, and reciteth the Children of *Japhet* firſt: ſo the firſt Place was given to *Shem* for his Election and Benediction, and for this weighty Reſpect, that the *Hebrew* Nation, *Abraham*, the Prophets, *David*,

David, and Chriſt (our Saviour) were deſcended of him; and therefore, whether we ſhall follow the Vulgar, *Pagninus*, and the *Geneva*, who agree in this Converſion, *Shem Frater Japhet major*, or with the Septuagint, *Junius* and *Tremellius*, *Shem Fratris Japhet majoris*, or with *Pererius*, *Shem Frater Japhet ille magnus*, inferring, that *Shem* was the Great and Famous Brother of *Japhet*, let the Reader judge. But, for ought that I have ſeen to the contrary, it appeareth to me that *Japhet* was the eldeſt. I have done with Sir *Walter*. Now mind what *Bayle* ſays.

'Tis plain and inconteſtable (ſaith he) that *Ham* was the youngeſt of *Noah*'s three Sons, ſince the Scripture ſays expreſly (*Gen*. ch. 9. v. 24.) after having mention'd *Ham*'s Actions, *That Noah awoke from his Wine, and knew what his younger Son had done unto him.* Nevertheleſs many Commentators maintain, that *Ham* was *Noah*'s ſecond Son: They prefer the Words where the three Brothers are plac'd in this Manner, *Sem*, *Ham*, and *Japhet* (*Ibid. v*. 18. *&* *paſſim alibi*) before ſuch a plain Declaration; and there are ſome, who, to elude the 24th Verſe which I quote, pretend that the Scripture does not ſpeak of *Cham* there, but of *Chanaan*, *Noah*'s Grandſon; others pretend that *Cham* was only call'd the younger, becauſe he behav'd himſelf leſs prudently than his other Brothers. Is not this to open a Door to ſuch Gloſſes as would obſcure the cleareſt Expreſſions of the Scripture? We know nothing of him, but that he told his Brothers, that he had ſeen *Noah* ſtark-naked in his Tent, (*Gen*. 9. v. 22.) A great many ridiculous Stories have been invented on that Account. Some believe, that ſince *Cham* ſhew'd ſo much Indiſcretion towards his Father, he was a curſed Soul, guilty of all ſorts of Abominations: They make him the Inventer of Magick, and many Things are reported about it: It is alſo ſaid, That he gave an Example of Incontinency that was but little edifying, I mean, that he got his Wife with Child in the very Ark. St. *Ambroſe* thinks, that the Expreſſions of *Moſes* ſeem to intimate, that the Matrimonial Functions were ſuperſeded and ſuſpended in the Ark. At that Time, ſay ſome Interpreters, it was requiſite to think of the Maxim that *Solomon* publiſh'd a long time after; *To every Thing there is a Seaſon, and a*

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Time to every Purpoſe under Heaven; a Time to Embrace, and a Time to refrain from Embracing, (Eccleſ. c. 3. v. 1, & 5.) The Terrible Judgment, which God exercis'd on Mankind, ought not to have inſpir'd any other Thoughts to *Noah* and his Family, but thoſe of Faſting and Penitence. Nevertheleſs, 'tis believ'd that *Cham* did not contain himſelf, and that his Wife became the Mother of *Chanaan* in the very Ark. It is alſo ſaid, That *Chanaan* prov'd a wicked Man, becauſe he was the Fruit of an Incontinency, exercis'd out of Seaſon. He ſaw *Noah*'s Nakedneſs firſt, as 'tis pretended, and told his Father of it in a jeering way; If it was ſo, one might better apprehend why *Noah*'s Curſe fell upon *Chanaan*, and not upon *Cham*. If ſome Doctors be ask'd, How that Patriarch came to know that *Cham* had diſcover'd his Nakedneſs? They Anſwer, That he inferr'd it from the Impudence *Cham* had to prophane the Ark by drawing near to his Wife. Let us mention, on this Occaſion, the Anſwer that others make: they ſay, That as ſoon as *Cham* had ſatisfy'd his Sight with ſuch an Object, he felt ſome extraordinary Alterations in his Body; his Eyes became red; his Hair and Beard were burn'd; his Lips were diſtorted; he knew ſo little what he did, that he ſtripp'd himſelf ſtark-naked, and walk'd in that Poſture: *Noah* ſeeing all this, concluded from it, that *Cham* had diſhonour'd him: But ſome ſay, he only knew it by the Power of Prophecy. St. *Chryſoſtome* is very reaſonable, when he believes, that *Noah* finding himſelf cover'd with a Mantle that was none of his, ask'd what was the Matter? And underſtood by his two good Sons how the Thing came to paſs: Some ſay, That the Fault he committed againſt his Father, was infinitely more heinous than it is repreſented in the Holy Scripture; ſome will have it, That he gelded him; others, That he made him Impotent by the virtue of ſome Magical Charms; others, that he committed Inceſt with *Noah*'s Wife. It is the Opinion of Mr. *Van Hart*, Profeſſor of the *Oriental* Languages in the Univerſity of *Helmſtadt*; he believes, That the Injury which that Patriarch receiv'd of *Cham*, conſiſted in the infamous Temerity that brutal Son had, to lye either with his own Mother, or at leaſt with his Step-Mother. He proves that Explication by ſeveral Places of the Scripture, where the Phraſe of diſcovering the Nakedneſs of a Woman ſignifies to lie with her; it is ſaid in the ſame Places of Scripture, that the Nakedneſs or the Shame of a Woman is the Nakedneſs or the Shame of her Husband; conſequently according to that Style, to have ſeen *Noah*'s Nakedneſs, is a cover'd Expreſſion, ſignifying to have lain with *Noah*'s Wife. That Author ſuppoſes, 1. That *Cham* took his Time to do that Buſineſs when *Noah* was ſleeping out his Wine. 2. That ſome Body having ſeen the Attempt, went and told *Noah*'s two other Sons of it. 3. That the latter being angry with the bloody Affront that was offer'd to that Patriarch, went with all ſpeed to the Place, and having ſurpriz'd their Brother in the Fact, they threw their Cloaks over him and his Accomplice. 4. That they reported to their Father what they had ſeen. 5. That *Noah* being very angry order'd, by his Will, that *Chanaan* who was to be born of that Inceſtuous Commerce, ſhould be totally depriv'd of the Succeſſion. Theſe Hypotheſes are Learned and Ingenious; but if it be once allow'd to ſuppoſe that *Moſes*'s Narratives are ſo diſguis'd, it is to be fear'd, that that Method will be carried as far as the Hiſtory of the Temptation, and the Fall of *Adam*, as ſome have dar'd to do. It is ſomewhat ſtrange, that the Scripture does not take any manner of Notice, that the Patriarch did any thing to *Cham*; he did not ſo much as Reprove him for it, and only curs'd *Chanaan* the Son of *Cham*; but that Curſe was only a Prophecy of the Victories, that the Deſcendants of *Sem* ſhould obtain over the Deſcendants of *Chanaan* under *Joſhua*, i. e. 7 or 8 Ages after *Cham*'s Fault. This was all the Puniſhment of that wicked Son: For what is commonly ſaid, that he became Black, and communicated his Blackneſs to his Poſterity, which continues to this Day in all the Nations of *Africa*, is a Chimerical Story: There is great likelihood that he ſettled in *Egypt*, and that he was ador'd there after his Death under the Name of *Jupiter Hammon*. (Thus far *Bayle*.)

This Dative Nobility, whereof my preſent Diſcourſe is, was for many Cauſes rais'd and invented, and firſt of all upon urgent Neceſſity; for when evil and wicked Men prevail'd, and good and honeſt Men were oppreſs'd, it was neceſſary to diſtinguiſh the Good from the Bad, and for the Preſervation of the Publick Peace and Tranquillity to ſeparate and divide them; whereupon wiſe, juſt, and virtuous Men, and the Lights as it were of the World ſhining before others, were ſet over the reſt, to be to all Men an Example of a godly and honeſt Life, and to decide and determine all Things. And at that Time ſuch Wiſemen and Providers for the Common-wealth, ſeem'd by Virtue to procure to themſelves Nobility; for the old Proverb prevail'd with them, *viz. Virtue, not Blood, made Men Noble*; ſuch Men were by the People call'd, choſen, and approv'd Counſellors, and Judges, who by their Subjects were elected and created Kings and Princes. And they who for their worthy Deeds had obtain'd ſuch honourable Titles and Offices, ennobled both themſelves and their Poſterity.

Another Cauſe alſo why Nobility began to be honour'd, was the groſs Ignorance and Unſkilfulneſs of the vulgar and common ſort of

People, who have their Senſe, Reaſon, and Underſtanding ſo diſpers'd and ſcatter'd that they cannot gather, diſcern, or judge any thing certain, firm or ſound; for the Maintenance therefore of the Publick Peace and Tranquillity, it was neceſſary to make choice of Princes (*i. e.* Governours) Men for their Virtue and Wiſdom famous and noble, who might compoſe and ſet in Order the troubled Eſtates, for want of Knowledge diſorder'd, and with ſingular Wiſdom and Action, as it were by a certain Cunning, draw the rude People to a more civil kind of Life and courteſy of Behaviour; ſuch as were *Jupiter*, *Pallas*, *Ceres*, *Bacchus*, *Apollo*, and many others. And theſe Men, by their Wiſdom, Vertue, and Skill, obtain'd not only the Titles of Nobility and Dignity, but were of the rude, ignorant Multitude accounted alſo, and receiv'd from them even Divine Honours.

Nobility hath riſen alſo of the Abundance of Wealth and Riches; for many pinch'd with extreme Poverty, were compell'd to depend upon the richer ſort, and giving themſelves over wholly to their Power, reputed them Noblemen, and as ſuch both accounted of them, and honour'd them.

Noble and worthy Acts gave alſo a Beginning to Nobility; for in antient Time, when Nations were oppreſs'd by their Enemies, if any valiant and couragious Man had deliver'd his Country from ſuch Oppreſſions, he was above other Men worthily honoured. Many alſo in antient Time by Martial Proweſs obtain'd Nobility, and were therefore of the People accounted Noble; as was *David* (1) for the Death of *Goliah* the *Philiſtine* (2). Some immediately from God were elected and call'd to Nobility, as *Joſhua*, *Gideon*, *Jeptha*, and the reſt of the Judges (3) of *Iſrael*, who were Generals over great Armies: Others again were choſen by God even from the Plough, to be Rulers over the People, as the Princes of the twelve Tribes of *Iſrael*. King *Saul* (4) was call'd out of the Field; *David* from feeding of his Flock, who thought themſelves utterly unworthy of ſuch a Princely Calling; but ſuch as God hath ennobled, are of us above all others to be accounted moſt Noble.

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(1) *David*, King of the *Jews*, the Royal Prophet after God's own Heart, was one of the greateſt Men the World ever produc'd. To diſcover which, it is neceſſary to have recourſe to Holy Writ (the Standard of Truth) wherein we may trace him from his firſt Appearance on

the Publick Stage of the World to his Death. The firſt time then that Scripture recommends him to Publick Notice, is to inform us, that *Samuel* (the Prophet of the Lord) deſign'd him King, and accordingly anointed him with the Oyl ſet apart for the Conſecration of Kings; God, upon his rejection of *Saul*, having given *Samuel* Commiſſion ſo to do. He was then but a meer Shepherd, and the youngeſt of the eight Sons of *Jeſſe* (who deſcended in a direct Line from *Judah*, one of the twelve Sons of *Jacob*, and dwelt at *Bethlehem*, a ſmall City belonging to the Tribe of *Judah*) 1 *Sam.* 16. 13. *Calviſius* fixeth the Time of his Birth to the 2850th Year of the World; and that of the Unction to the 20th Year of his Age. Afterwards the Scripture tells us, that he was ſent to King *Saul*, to diſperſe, with the Sound of his Muſical Inſtruments, thoſe black Vapours that tormented him, having firſt been repreſented by one of that King's Servants as the moſt likely Man to make him well, being a Maſter of Muſick, and tho' but young, yet a mighty valiant Man, a Man of War, and Prudent in Matters, on whom alſo the Spirit of the Lord was. *Ibid.* ver. 18, and 20th. *Saul* was ſo affected with his Maſterly Performance upon the Harp, that he took a great Fancy to him, retain'd him in his Houſe, and made him his Armour Bearer, (*Ibid.* ver. 21.) *David* as the Scripture goes on to relate, afterwards return'd Home now and then from *Saul* to feed his Father's Flock, and that his Father commanded him one Day to go to *Saul*'s Camp, furniſh'd with Proviſions for his three Sons that were in the Service, to ſee how they far'd, and to take their Pledge. (*Ibid.* Chap. 17. ver. 15, 17, and 18.) *David*, in Obedience to his Father's Commands, roſe up early in the Morning, and having ſubſtituted a Keeper to look after his Father's Sheep in his Abſence, took the Proviſions, went, and came to the Trench, juſt as the *Iſraelites* were marching out, and joyn'd with them in the Signal for an Attack. Both Armies being drawn up in Order of Battle. And having left his Carriage under the Guard of a proper Officer, he ran into the Army, and ſaluted his Brethren, with whom as he was talking, he heard the Challenge, that a *Philiſtine*, call'd *Goliah*, proud of his Strength and Stature, made daily to the *Iſraelites*; not one amongſt them daring to take it up; (*Ibid.* ver. 20,

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21, 22, 23, and 24.) *David* not at all ſcar'd at the big Words of this Gigantick Fellow, ſhewed a good Mind to Fight him; and being thereupon brought to the King, was very poſitive that he ſhould triumph over that *Philiſtine*. *Saul* alledg'd his tender Years, the Experience of the *Philiſtine* in Martial Affairs, who had been train'd up from his Cradle in the Art of War, and the vaſt Diſproportion in their Strengths and Statures, which would make it not a Match: *David* readily anſwering all theſe Objections, *Saul* bid him go, gave him his Bleſſing and Armour, which he, after he had fitted it, finding too heavy, and cumberſom for him, put it off; and reſolv'd to make uſe only of his Sling, which he threw ſo happily, that he brought down that Braggadocio with a Stone, then with his drawn Sword run in to him, and cut off his Head, which he made a Preſent of to *Saul*. (*Ibid.* ver. 26, to ver. 51.) This Feat of Martial Proweſs *David* did (as *Calviſius* informs us) at 21 Years of Age, the very next Year after the Ceremony of his Conſecration was perform'd by *Samuel*, and may ſerve as a Leſſon of Inſtruction to us, not to be too confident of Succeſs from Strength and Stature, but to look for it rather from the Juſtice of the Cauſe.

Saul, when he ſaw *David* go forth againſt *Goliah*, inquired of his General (*Abner*) whoſe Son that Youth was? The General anſwer'd he could not tell, and receiv'd Orders from *Saul* to be inform'd about it; but *David* being brought after the Victory to *Saul*, ſatisfied that Prince with his own Mouth, when he put the Queſtion to him, Whoſe Son art thou, thou young Man? That he was the Son of *Jeſſe* the *Bethlehemite*. (*Ibid.* ver. 55, 56, 57, 58.) Then *Saul* kept him in his Service, and would let him go no more to his Father's Houſe (*Ibid.* Chap. 18. ver. 2.) But becauſe the Songs, ſung by the Women who came out of all Cities to meet *Saul* at his Return from the Defeat of the *Philiſtines*, redounded more to *David*'s Glory, than *Saul*'s; that King was very angry, and conceiv'd a Jealouſy againſt *David*, which grew inveterate. (*Ibid.* ver. 6, 7, 8, 9.) He ſought to enſnare him by making him his Son-in-law, imagining the Condition on which he was to give him his ſecond Daughter, *Michal* (for *Merab* the eldeſt, whom *David* ſhould have had, was betroth'd to *Adriel*, the *Meholathite*) would be his Ruin; but he acted by a falſe Policy, and was confounded in his own Cunning. He ask'd an hundred Foreskins of the *Philiſtines* for his Daughter's Dowry. *David* brought him two hundred: So that inſtead of falling in that Enterprize, he return'd with freſh Laurels. He married *Saul*'s Daughter, whereby he became more formidable to the King; all his Expeditions againſt the *Philiſtines* were very proſperous; his Name made a great Noiſe; he was in very great Eſteem; inſomuch, that *Saul* who was better acquainted with the Humour of the People than the Virtue of his Son-in-law, thought the only expedient to ſecure his Crown, was the Death of *David*. (*Ibid.* ver. 19, 21, 25, 27, 29, and 30.) He was then reſolv'd to be rid of him, and communicated that Deſign to his eldeſt Son (*Jonathan*) who delighting much in *David*, took the firſt Opportunity to diſcloſe to him his Father's Purpoſe to kill him. (*Ibid.* Chap. 19. ver. 1, 2.) *David* fled, and was purſu'd by *Saul* from Place to Place, till two undeniable Proofs of Probity and Fidelity to his Father-in-law made *Saul* reſolv'd to let him alone. (*Ibid.* Chap. 24, and 26.) But *David* fearing the Return of that Princes's ill Deſigns, conſulted his own Safety more than before, and quitting the Coaſts of *Iſrael* retir'd with all ſpeed to *Achiſh* (the Son of *Maoch*) King of *Gath*, in the Country of the *Philiſtines*, with whom he, his Men, their Families, and his own two Wives dwelt ſome time, till he thinking it too great a Preſumption to take up his Abode in the Royal City with the King, begg'd a Place in ſome other Town of the Country might be aſſign'd him to live in; which Requeſt the King comply'd with, and allotted *Ziklag* the ſame Day. Here *David* dwelt a full Year and four Months, during which he made many Incurſions round about. (*Ibid.* Chap. 27. ver. 2, 3, 4, 5, 6, 7, 8.) After *Saul*'s Death he return'd into *Judæa*, where he was anointed King by the Tribe of *Judah* over that Houſe; in the mean time the other Tribes ſubmitted themſelves to *Iſhboſheth* (*Saul*'s Son) which *Abner*'s Fidelity was the Cauſe of. (2 *Sam.* Chap. 2. ver. 4, 8, and 9.) That Man who had been General of the Army under King *Saul*, ſet *Iſhboſheth* on the Throne, and maintain'd him on it againſt *David*'s Forces; but being angry with *Iſhboſheth* who had tax'd him with taking *Rizpah* (Daughter of *Aiah*) one of his Father's Cuncubines, he treated with *David* to put him in Poſſeſſion of *Iſhboſheth*'s Kingdom. The Treaty would ſoon have been concluded to *David*'s Satisfaction, had not *Joab* (*David*'s General) kill'd *Abner* to revenge a private Quarrel. (*Ibid.* Chap. 3. ver. 7, 8, 9, 10, 12, 13, 27.) *Abner*'s Death did but accelerate the Ruin of the unfortunate *Iſhboſheth*; for two of his chief Captains kill'd him, and brought his Head to *David*, who inſtead of rewarding them for it, as they expected, order'd them to be put to Death. (*Ibid.* Chap. 4. ver. 6, 7, 8, 12.) *Iſhboſheth*'s Subjects did not tarry long before they paid their Allegiance to *David*, whom, at thirty Years of Age they anointed King over all *Iſrael*. *David* liv'd 70, reign'd 40 Years, *viz.* ſeven and a half over the Tribe of *Judah*, and about 33 over all *Iſrael* and *Judah*, and then died. His long Reign was attended with great Succeſſes, and glorious Conqueſts; little troubled, except by the Attempts of his own Children, the greateſt whereof was *Abſolom*'s Revolt. (*Ibid.* Chap. 5. ver. 8, 4, 5. 1 *Kings* Chap. 2. ver. 10. 2 *Sam.* Chap. 15.) They are commonly the Enemies that Sovereigns ought moſt to fear. *David* had the Fate of moſt great Princes; he was unhappy in his Family. His eldeſt Son raviſh'd his own Siſter, and was kill'd by one of his Brother's for that Inceſt; and the Author of that Fratricide lay with *David*'s Concubines, (2 *Sam.* Chap. 13, and 16.)

David's Piety is ſo ſhining in his Pſalms, and in many of his Actions, that it cannot be ſufficiently admir'd; but he had his Faults: The numbring of the People God look'd upon as a great Sin, his Love for the Wife of *Uriah*, and the Orders he gave to cauſe the ſame *Uriah* to be kill'd, are two very heinous Crimes; but he expiated them by ſuch an admirable Repentance, that this Paſſage of his Life does not a little contribute to the Inſtruction and Edification of faithful Souls. It teaches us the Frailty of the Saints; we learn thereby how to bewail our Sins; and it is a very fine Model, (2 *Sam.* Chap. 24, and 11.) 'Tis diſputed by the Learned, whether he be Author of all the Book of *Pſalms*; many think not; and becauſe the Title of the Book is not aſcrib'd to *David*, they conclude that all the particular Pſalms, having other Names in their Titles, are compos'd by thoſe there nam'd; and ſo make him the Author but of ſeventy. The greater Number of the Learned think he compos'd the Whole; and that thoſe, whoſe Names are found in the Titles, are the Muſicians order'd by *David* to ſet the Pſalms to Muſical Tunes: And in Effect (1 *Chron.* 15, 16, 25.) we ſee that thoſe nam'd in the Titles were chief Muſicians. The Pſalm, which ſome add beſides the 150th, is *Apochryphal.* (*Aug. de civ. Dei. Ambroſe*, Pſal. 43, 47.)

(2) *Philiſtines*, a People of *Paleſtine*, towards the Borders of *Egypt*, along the Sea Coaſts. They were Enemies to the *Iſraelites*, whom they afterwards brought into Servitude, defeated them, and took away their Ark, but the *Iſraelites* reveng'd themſelves frequently afterwards.

(3) *Judges*] A Name given to thoſe who govern'd the *Jewiſh* Nation after *Moſes*, and before the Settlement of Kingly Government among them; they were call'd in *Hebrew Sophetimi*; from whence the *Carthaginians* took their *Sufes* and *Sufetes* in the Plural, which they gave to their Magiſtrates, therein imitating the *Tyrians*, their Anceſtors and Founders, who had for ſome time Judges for their Sovereigns. *Joſephus* calls them Prophets, either becauſe ſome of them were ſo, or becauſe they were endow'd with extraordinary divine Gifts, which diſpos'd 'em for the performing of thoſe wonderful Actions recorded of them in Scripture. We find two Places in the Bible where theſe Judges are call'd Kings, (*Judg*. 9. 6. and 18. 1.) but improperly.

They had no Power to pronounce Sentence either in Civil or Criminal Cauſes, (as *Grotius* affirms upon the 5th Chap. of St. *Matthew*) without the Concurrence of the *Sanhedrim*; the Judges being only Governours of the Common-wealth, that had the Command of their Armies, and reſembled much the *Sufetes* of *Carthage*, and the perpetual *Archontes* of *Athens*: Neither were the *Carthaginians* and *Tyrians* the only People that imitated the *Hebrews*, by giving the Name of Judges to their Sovereigns: The *Goths* alſo had their Judges in the 4th Century; and *Athanaricus*, who began to rule over them about Ann. 369, would by no means take to him the Title of King, but only that of Judge; as taking the former to be a Name of Authority and Power, and the latter, a Mark of Prudence and Conduct. (Collier's *great Hiſt.* &c. *Dict.*)

(4) *Saul*] The firſt King of *Iſrael*, the Son of *Kiſh* of the Tribe of *Benjamin*. He died after a Reign of 20 Years: St. *Paul* in the Acts of the Apoſtles ſays, that he reigned 40 Years, but then he takes in the 20 of *Samuel*'s Government. As to the Buſineſs of the Witch of *Endor* conſulted by *Saul*, tho' there are probable Reaſons againſt the Reality of *Samuel*'s Apparition to *Saul*, ſeveral Authors making no better of it, than a diabolical Illuſion; yet the contrary Opinion is generally believ'd the Trueſt, as appears both from the 4th Chapter of *Eccleſiaſticus*, where 'tis ſaid, *Samuel* propheſied after his Death, and ſhew'd the King his End, &c. Likewiſe by the Witch of *Endors* being much ſurpriz'd at the Apparition of *Samuel*, the Ghoſt appearing before ſhe had gone through with her conjuring Ceremonies. (1 *Sam.* Chap. 28.)

(1) *Horatius*

No ſmall Part, but even the greateſt Part of Dative Nobility, gain'd to themſelves Honour and Glory by their Knowledge in Martial Affairs, carrying Home with them Victory and Triumph over their Enemies, as did *Horatius Cocles* (1), *Titus Manlius* (2), *Scipio Africanus* (3), and his Brother *Scipio Aſiaticus* (4); I ſpeak not of great Emperors, ſuch as were *Veſpaſian* (5), *Domitian* (6), *Nerva* (7), *Trajan* (8), *Antoninus*, *Severus*, *Theodoſius* (9), and many others, who were Part of them accounted *Patres Patriæ* (10), Part of them Benefactors, but all of them the beſt of Princes, whoſe Images are upon their Coins even yet carried about; and Publick Statues were in Honour of them, with certain ſolemn Ceremonies, erected, to the Intent that all others of Valour and Vertue ſhould by their Deeds ſtrive (as it were) to aſpire and grow to the like Glory.

Others alſo, born of moſt baſe and low Condition, who by Arms in Time of Wars have, for their Wiſdom and Courage, been promoted to the great Dignities of Emperors, *Cæſars*, Dukes, Princes, and Earls, (as *Tullus Hoſtilius*, *Numa Pompilius*, *Tarquinius Priſcus*, *Julius Cæſar*, *Octavianus Auguſtus*, and ſuch others were) from hence took the Beginnings of the Titles of their Vertues. For certain it is, that at firſt under the *Roman* Empire, when they had ſubdued the *Germans*, *Italians*, *Spaniards*, *Britons*, *Gauls*, and other moſt mighty Kingdoms; Dukes, Earls, and Barons were not then in ſuch ſort as now they be, but from thence afterwards had their Birth and Riſe. All their Offices were executed by *Tribunes* and Lieutenants. There was a greater *Tribune*, who was next to the Emperor, and his Succeſſor. There was alſo a great Officer, call'd *Tribunus Celerum* (11), Lieutenant of the Army, of the Light-arm'd and moſt ready Soldiers.

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diers. They who with a Cohort, or Band of Men, had the Guard of the Emperor's Perſon, and who amongſt the *Romans* were of the firſt Order, next after the Emperor, were call'd *Tribuni Celerum*, as they were long before in the Time of *Romulus*, and of the other ſix Kings his Succeſſors.

But

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(1) *Horatius Cocles*; *Horatius*, *qu.* ὁρατὸς, i. e. *Aſpectabilis*, *vel dignus Aſpectu:* A valiant *Roman* Sir-nam'd *Cocles*, who when *Porſenna* had taken the Fort in Mount *Janiculum*, and the Enemies ruſhing into the City, the People being all in a Fright, and flying away, he with two more of his Company withſtood the Force of the Enemy ſo long, until the Bridge was broken, or let down behind him; which when he ſaw, he leap'd into the Tyber and ſwam ſafe to Land. He was Sir-nam'd *Cocles* --- becauſe he was extreamly Flat-nos'd, and that the upper Part of his Noſe was ſo ſunk into his Head, that there was no Diviſion betwixt his two Eyes; and that his Eye-brows joyn'd; ſo that the People deſigning to call him *Cyclops*, miſtook and call'd him *Cocles*. (*Plut. in Valerio*, *p.* 105.)

Cocles, Μονόφθαλμος, i. e. *unoculus*, *quales*, *Arimaſpi*, (i. e. *lingua Scythica unoculi. Euſt.*) People inhabiting by the River *Arimaſpus* in *Scythia* of golden Sands: They have but one Eye, and that in their Fore-head; or (as *Herodotus* ſaith) they have two, but uſe to wink with the one, that they may have the other more ſteady when they Shoot. *Turn. ex Plaut. ab oculo Cocles qu. Ocles*, *dict. qui unum haberet Oculum. Varr. vel qu. Coocles*, *cui quaſi duo oculi in unum coierunt. M. rect. a* κύκλωψ, *Cocles*; *S. quod Cyclopes unum tantum oculum in media Fronte haberent.* Born Blind, or that hath but one Eye. *Qui altero lumine orbi naſcerentur*, *Coclites vocabantur*; *qui parvis utriſq; ocellæ*, *luſcini injuriæ cognomen habuere.* (Plin. 11. 37. Lit. Dict.)

(2) *Titus Manlius*; a great *Roman* Lawyer, who being Judge betwixt his own Son and the *Macedonians*, after hearing, expreſs'd himſelf thus, *Seeing it is prov'd, that* Silanus, *my Son, hath extorted Money from the* Macedonians; *I henceforth diſown him as mine, and Command him never to ſee my Face any more. Silanus* was ſo much griev'd, that he hang'd himſelf next Night; neither would his Father be preſent at the Funeral, but at the very Time, when he was carried to his Grave, he gave Advice to his Clients who conſulted him.

(3) *Scipio Africanus. Scipio Cognomen ait Corneliorum; cui Publius Cornelius initium dedit, quod Patrem luminibus orbum vice Scipionis,* i. e. *Baculi, regeret. Scipio (Publius Cornelius)* Sir-nam'd *Africanus*, was the Son of *Pub. Cornelius*. When but a Boy he us'd at certain Hours of the Day to be Private in the Capitol, where the common People gave out, he diſcours'd with *Jupiter*. He was not eighteen, when he reſcu'd his Father in the Defeat at *Teſin*, and perſuaded the Nobility of *Rome* to ſtay, who would have left the Town at the Defeat of *Cannæ*. After his Father's and Uncle's Death he was ſent into *Spain*, at but 24 Years of Age; and in leſs than 4 Years conquer'd that vaſt Country from the *Carthaginians*. In one and the ſame Day he beat the *Carthaginian* Army, and took new *Carthage*. The Wife of *Mardonius* (General of *Xerxes*'s Army) and the Children of *Indibilis*, who were ſome of the firſt Quality of the Country, being found among the Priſoners, he cauſed them to be honourably conducted to their Parents, and would not ſo much as once look upon a young Lady of extraordinary Beauty, that was amongſt them; (a rare Inſtance of Continency); and not only ſo, but when a great Ranſom was offer'd him for her, he freely and generouſly beſtow'd it upon her, as an Addition to her Fortune. And ſoon after having finiſh'd the War by a pitch'd Battle he fought in *Andaluſia*, where he defeated above 50000 Foot, and 4000 Horſe, and deliver'd *Spain*; he croſs'd the Sea into *Africa*, where he twice defeated the *Carthaginians* commanded by *Aſdrubal* and by *Syphax* King of *Numidia*. In the firſt of theſe Battles, there was no leſs than 4000 of the

Enemies kill'd and burnt, and 6000 taken. In the ſecond their Forces were entirely routed, and *Lælius* and *Maſaniſſa* purſu'd *Syphax*, whom they took in *Cyrtha*, with his Wife *Sophoniſbba:* This was done Ann. *Rom.* 551. The next Year he beat *Hannibal* at the Battle of *Zama*, kill'd 20000 of his Men, and took as many Priſoners, and eleven Elephants, loſing not above 1500 Men; the Conſequence of which Victory was the Submiſſion of *Carthage* to the Conqueror, into which he enter'd in 553, and triumphing over *Syphax*, obtain'd from that time the Sir-name of *Africanus*, and was made Conſul a ſecond Time, and rais'd to the heigheſt Places of Truſt and Command in the Republick. In 553 (the ſame wherein *Carthage* ſubmitted) he follow'd his Brother into *Aſia*, and upon his Return being accus'd by the two *Petilian* Brothers, who were *Tribunes* of the People, of having defrauded the common Treaſury, and correſponding with King *Antiochus*, who had ſent his Son *Scipio*, that King's Captive, without Ranſom; all that he had to ſay for himſelf, was, that calling to mind, that that was the very Day wherein he had defeated *Hannibal*, it was but juſt that he ſhould go to the Capitol, there to render Thanks to the Gods: Whereupon going out of the Tribunal, all the People follow'd him, as if he had never been accus'd: And ſo the Indictment preferr'd againſt him was dropt. Afterwards this great Man retir'd to *Lintornum* (or *Linternum*, a City of *Campania*, *dict. quod ſit Campeſtris*, a pleaſant Champain Country of *Italy*, in the Realm of *Naples*, now call'd *Terra di Lavoro.* It was accounted the moſt fruitful and pleaſant Country in *Italy*) in the Neighbourhood of *Rome*, where he ſpent the reſt of his Life in Study, and entertaining Men of Learning. *Cicero* places him in his Dialogues of famous Orators, intitul'd *Brutus*, in Regard of his Eloquence. 'Twas he who adopted the Son of *Paulus*, who afterwards had the Title of *Africanus*, junior, beſtow'd upon him. (*Tit. Livy. Lib.* 23. *&* *Seq.* &c.)

(4) *Lucius Scipio Aſiaticus*; *Lucius Cornelius Scipio Aſiaticus*, was the Son of *Pub. Scipio*, and Brother of *Scipio Africanus*, whom he accompanied in the Wars of *Spain* and *Africa.* He was the leſs qualified for great

Actions, becauſe he had a very ſickly Conſtitution. He was Conſul in 564, and at the ſame Time ſent General of the *Roman* Army againſt *Antiochus*, his Brother *Publius* being his Lieutenant; and having defeated *Antiochus* in the Magneſian Fields (*Magneſia dict. a Lapide ferrum trahente, qui circa eam proveniret*) near to *Sardis* (according to *Pliny*, or *Sardes* according to *Ovid*, the chief City once of *Lydia*, near Mount *Tmolus*, as *Virgil*, or *Timolus*, as *Ovid*; out of which riſeth the River *Pactolus*, having golden Sands, and therefore call'd *Chryſorroas*, by *Solinus*, after that *Midas* had waſh'd off his golden Wiſh in it, where King *Cræſus* kept his Court, obtain'd the Title of *Aſiaticus*. *Antiochus*'s Army conſiſted of 70000 Foot, and 12000 Horſe, beſides a great number of Chariots, arm'd with Sythes, and many Elephants; the *Roman* Army being not above 30000 in all. The Enemy loſt in this Engagement near 50000 Foot, and 4000 Horſe, beſides 1400 taken, with 15 Elephants. Being afterwards accus'd by *Cato* of miſpending the Publick Money, and condemn'd; as they were leading him to Priſon he was releas'd by *Gracchus*, the Son-in-law of *Scipio Africanus*; but his Goods were all forfeited, tho' it appear'd afterwards he was Innocent. (*T. Livy*. Lib. 38.)

(5) *Veſpaſian*] *Titus Flavius*, Son of an honeſt *Publican*, and Grand-Son of a Collector; who had been Captain of a Company of an 100 Men in *Pompey*'s Party, and who eſcap'd from the Battle of *Pharſalia*, roſe to the higheſt Dignity on Earth, being created the 10th Emperor of *Rome*, in the Year of Grace 69. He was born in a Village of the Country of the *Sabini*, near *Reate*, the 17th of *November*, in the Year of *Rome* 761, *i. e.* the 9th Year of Chriſt. 'Tis obſervable that *Veſpaſian*'s Maternal Anceſtors were more Illuſtrious than the Paternal; for *Veſpaſia Polla* his Mother was a Senator's Siſter, and Daughter of *Veſpaſius Pollio*, who went thro' conſiderable Offices in the Army. Several Monuments of this Family were obſerved at a Place call'd *Veſpaſia*, on the Top of a Mountain, ſix Miles from *Nurſia*, in the Road to *Spoleto*, which diſcover'd its antient Luſtre. *Veſpaſian*'s elder Brother aſſuming the Sir-name of *Sabinus*, affords us Reaſon to conclude, That in that Age, the younger Brothers ſometimes

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took a Sir-name borrow'd from their Mother's Family, and terminated like thoſe which indicated Adoption. He was brought up in the Country by *Tertulla* his Grand-Mother by his Father's ſide, and preſerv'd ſo great a Reſpect for her Memory, that at great Solemnities he always drank in her Goblet. He paſs'd gradually through all the Dignities of the Empire. He was made *Tribune* of the Soldiers in *Thrace*, as a Reward of his Services. *Crete*, and the Province of *Cyprus* fell to his Lot when he was *Quæſtor:* He was refus'd the Office of *Ædile* the firſt Time he ſtood for it: He obtain'd it afterwards, but was the laſt of the ſix *Ædiles*, to which he could not arrive without ſome Difficulty: He was a more ſucceſsful Candidate for the Prætorſhip, he got into the firſt Rank the very firſt time he ſtood for it; he made uſe of a great many Arts to gain *Caligula*'s Favour, and ſtood very well with *Narciſſus* under the Emperor *Claudius*; by the Intereſt of which Favourite he was ſent into *Germany* at the Head of a Legion. He was afterwards ſent into *Britain*, where he fought the Enemy thirty times, ſubdu'd two Potent Nations, above 22 Towns, and the *Iſle of Wight*, in Recompence whereof he obtain'd the triumphal Ornaments, two Prieſthoods and the Conſulſhip. He liv'd in a ſort of Retirement, whilſt *Agrippina* continu'd in Favour, who hated all *Narciſſus*'s Friends: Returning to Publick Employments, he became Pro-conſul of *Africa*, which Poſt he very honourably diſcharg'd, without enriching himſelf. He accompany'd *Nero* in his Voyage to *Greece*, but not having the Complaiſance to applaud that Emperor's ſinging, he was utterly diſgrac'd, and conceal'd himſelf in an obſcure Town: he did not believe himſelf ſafe there, he fear'd the fatal Effects of *Nero*'s Rage, when he receiv'd the News, that the Government of a Province, and the Command of an Army were beſtow'd on him --- No Perſon was found ſo proper as he to reduce the *Jewiſh* Nation to Obedience, which had preſum'd to revolt. This Expedition, in which *Titus*, his Son, ſerv'd him as Lieutenant-General was perfectly glorious, and open'd a Way to the Throne: which great Riſe he began to hope for, during the Civil War betwixt *Otho* and *Vitellius*. He ſo ſtraight'ned the *Jews* in a long Siege, that there died of them with Famine and Sword 1100000, beſides an 100000 he took Captives.—— Neither is this wonderful; for all the Jews were now gather'd to *Jeruſalem*, to Celebrate their Paſſover, and were then pinn'd up, that as they had put Chriſt to Death at that Time with one Conſent, ſo they might at that Time be gather'd together to their own Deſtruction. This was taken *Ann. Chriſt.* 70. *Sept.* 7. by *Titus*, whom *Veſpaſian* left in his Place, when he went from the Camp to be proclaim'd Emperor at *Rome*.

He was the firſt who mended on the Throne; and not to own he remedy'd ſeveral Evils, and did ſome very good Actions, were to be unjuſt: The Deſire of amaſſing Treaſures was his great Vice, which he took no care to hide; yet there is Reaſon to believe that he contriv'd it ſo, that part of his Extortions was imputed to his Concubine *Cænis*. We find in *Xiphilus*'s Abridgment of *Dion Caſſius*, that this Emperor lov'd her tenderly, and was accountable to her for the great Power which he acquir'd, and the vaſt Treaſures which he amaſs'd. She ſold all the Offices depending on the Law, the Sword, and Religion, beſides the very Anſwers of *Veſpaſian* himſelf; no Body loſt his Life under that Emperor upon the Account of his Money; but many ſav'd it by the Help of their Purſes: *Cænis* receiv'd all thoſe Sums, and he was ſuſpected (not without Reaſon) to be privy to it: *Cænis* was made Free by *Antonia* her Miſtreſs, and was Secretary to that Lady. *Veſpaſian* kept her in his Houſe before he marry'd, ſent her away when he marry'd, and took her again after the Death of his Wife, and treated her almoſt like a Wife. After her Death he took ſeveral Concubines, which ſhew'd that he thought none ſufficient to ſupply her Place, and that he had recourſe to ſeveral, to compenſate the Loſs which he ſuffer'd in this true Miſtreſs. She had a great Share of Fidelity, which was one Reaſon why this Hiſtorian mention'd her.—— To impute his avaricious Extortions to this Concubine, was a poor way of this Emperor's clearing himſelf; for even thoſe, who had believ'd that he knew not that ſhe ſold Places, would have accounted this Ignorance a moſt ſcandalous Fault. He was the firſt that laid a Tax upon Urine, and at the ſame time told his Son *Titus*, *Dulcis odor lucri ex re qualibet.* (*Suet. in vita Veſpaſiani.*) He dy'd of a Flux the 24th of *June*, in the Year 79, after a Reign of 10 Years, wanting 6

Days, Aged a little above 69 Years. It ought not to be forgotten, that he deported himſelf with great Moderation towards thoſe who had offended him, and ſhower'd numerous Preſents and Favours on ingenious Men, and thoſe who cultivated the Liberal Arts. He never was aſham'd of the Meanneſs of his firſt Condition, but ridicul'd the vain Efforts of ſeveral Genealogiſts, who would make him to be deſcended from one of *Hercules*'s Companions: He was very fond of Raillery, which he carry'd to a great degree of Buffoonry, and made no Scruple of the moſt obſcene Expreſſions: Being accuſtom'd to this in his private Condition, it would have been very difficult for him to have abſtain'd from it on the Throne; for the Itch of Jeſting is one of the moſt incurable Ones that can poſſibly infect a Perſon: However, it is infinitely below the Character of a Great Monarch, to debaſe himſelf by ſcurrilous Jeſting, as *Veſpaſian* did. Did he believe theſe Railleries would make People inſenſible of the Oppreſſion of his Exorbitant Exactions? (Bayle's *Hiſt. and Crit. Dict.* &c.)

(6) *Domitian*] The 12th Emperor of *Rome* after his Father *Veſpaſian*, and Brother *Titus*, which laſt 'tis thought he poyſon'd to come to the Throne. He ſet out well, making good Laws at firſt, finiſhing many Buildings, and reſtoring the Libraries that were burn'd; but afterwards he turn'd ſo Cruel and Impious, that he put many Perſons of Note to Death, began the 2d Perſecution againſt the Chriſtians, debauch'd his own Niece, delighted in Sodomy, took the Names of God and Lord, and had probably done worſe, had he not been murther'd by *Stephen*, *An.* 96. J. C. In the Beginning of his Reign he us'd to be much in his Cloſet, where, to ſatisfy his cruel Temper, he wholly paſs'd his Time in killing Flies, and pricking them through with a Bodkin; whereupon *Vibius Criſpus* being ask'd, who was with the Emperor? anſwer'd, *Not one living Body, not ſo much as a poor Flie is with him*: All this may be found in *Suetonius*.

(7) *Nerva*] (*Cocceius*) Succeeded, as the 13th Emperor, *Domitian*, who had before baniſh'd him in 96; he immediately, upon his Acceſſion to the Throne, recall'd thoſe

that had been baniſh'd for Religion; favour'd alſo the Jews, and forgot nothing that might contribute to the Reſtoring of the Empire to its former Luſtre: But not being able, by Reaſon of his great Age, to perfect what he had begun, he adopted *Trajan*, a Man in all Reſpects worthy to be his Succeſſor. *Nerva* dy'd *January* the 27th, 98. in the 66th Year of his Age; or, according to *Eutropius*, in his 72d, having reign'd 1 Year, 4 Months, and 11 Days. He commanded the Army in *Gaul*, when he was declar'd Emperor.

(8) *Trajan*] (*M. Ulpius Crinitus*) An Emperor of *Rome*, was born at *Italica*, a Town of *Spain* in *Andaluſia*; or, as others will have it, at *Todi* in *Italy*. He was a Prince, in whom many civil Vertues ſhin'd with great Brightneſs, which he eclips'd with the extreme Cruelty which he ſhew'd towards the Profeſſors of Chriſtianity; for tho' he publiſh'd no expreſs Edict againſt them, yet the Prohibition of Night-Aſſemblies, and new and foreign Religions, furniſh'd the Governors and Preſidents of Provinces with an Occaſion of perſecuting the Faithful; the Rage of which Perſecution ceas'd a little upon *Pliny* the younger's Advice; but this Ceſſation was but ſhort-liv'd. *Trajan* hearing that *Decebulus*, King of the *Daci*, had revolted, march'd his Armies into his Country, and having defeated him twice, reduc'd *Dacia* into a Province. After this Conqueſt, he return'd to *Rome*, where he gave Audience to ſeveral Foreign Ambaſſadors, ſome whereof came from the *Indies*, tho' their Name was hardly known at that time. 'Twas then he began to Build the Famous Pillar of his Name, one of the Maſter-pieces of Architecture, which was not finiſh'd till 7 Years after. Pope *Sixtus* the Vth Re-built it, and got St. *Peter*'s Statue put upon it. He afterwards won great Victories over the *Armenians*, *Parthians*, *Oſdroenians*, *Arabians*, &c. and over the Inhabitants of *Colchis*, and the *Perſians*, which he ſubdu'd with a Glory that would have been unparallel'd, had he not ſtain'd it by baniſhing 11000 Chriſtians, which he disbanded out of his Army, and ſent into *Armenia*. He had like to have periſh'd in the dreadful Earthquake that happen'd at *Antioch* in his Time, had he not been drawn out at a Window. After this, he quite

exterminated the Jews who had revolted, and dy'd in a Town of *Cilicia*, then call'd *Selinunte*, and afterwards the Town of *Trajan* or *Trajanopolis*. His Death happen'd in the 117th of Chriſt, the 64th Year of his Age. *Pliny* the younger ſpoke that excellent Panegyrick to him, which is ſtill extant: But his Cruelty, intemperate Love of Boys, and his Exceſs of Wine, ſhew the great Flattery of his Admirers. *Dion*. *Aurelius*. *Victor*. *Eutropius*, &c. afford us this Account of him.

(9) *Theodoſius*] The firſt Emperor *a Deo datus*, call'd Great, Son to another of that Name, an excellent Officer, whom *Valens* put to Death in *Africa*, tho' 'twas he that deliver'd him from the Tyranny of *Firmus*, was born in *Spain*. This Emperor liv'd in St. *Ambroſe*'s Time, to whoſe Cenſure he meekly ſubmitted himſelf. He dy'd at *Milan* of a Dropſie in 395, Aged 60, leaving two Sons, *Arcadius*, Emperor of the Eaſt, and *Honorius* of the Weſt, (Eachard's *Rom. Hiſt.* &c.)

(10) *Patres Patriæ*] *Pij*, and ſuch like Titles, given to the Emperors in the elder Times of the *Roman* Empire by the State or Senate, not taken by themſelves, ὅπως μηδὲν ἄνευ δόσεως τινὸς ἔχειν δοκῶσιν (as *Dion*'s Words are, *Hiſt. Lib.* 53.) that is, that they might not ſeem to have any Thing in them, but what the State conferr'd on them. (*Seld. Tit. Hon.* Part the Firſt, p. 50, and 51.)

(11) *Tribunus Celerum*] Tribunes of the Light Horſe; Officers in the *Roman* Army, who were Colonels of Horſe in the Time of the Kings of *Rome*: Theſe Horſe, call'd *Celeres*, reſembled our Dragoons, and fought on Horſe-back, or a Foot, as they ſaw Occaſion.

(1) *Rom.*

But for a more full Satisfaction in this Matter, take *Eachard*'s Deſcription of theſe *Tribuni Celerum*, as to their Original Name, Number,

ber, when laid aſide, reaſſum'd, and their Number increas'd. The next Thing (ſaith he) (1) that *Romulus* did, was to take Care of a Guard for his Perſon, and therefore he order'd the *Curiæ* to chuſe him out of three Hundred luſty young Men, Ten out of each, and theſe were call'd *Celeres*, *a Celeritate*, from their Activity and Readineſs to ſerve the King upon all Occaſions. They were commanded by a Tribune or Colonel, call'd *Tribunus Celerum*, three Centurions, and other inferior Officers. Theſe, by *Numa Pompilius* (2), ſecond King of *Rome*, were diſbanded, which was the very firſt Thing he did at his Entrance upon the Regal Government; ſaying alſo at the ſame time, That he would Rule over that People, of whom he conceiv'd the leaſt Diſtruſt. *Tullus Hoſtilius* (3), third King of *Rome*, reſum'd them again; and *Tarquinius Priſcus* (4), fifth King of *Rome*, doubled them. He had deſign'd to have added three Centuries of the *Celeres* to thoſe three inſtituted by *Romulus*, but was forbidden by *Actius Nævius* (5) to alter the Conſtitutions of that King: So without creating of new Centuries, he only doubled the Number of the former.

The great Officers, call'd *Magiſtri Equitum*, or Maſters of the Horſe-men, had like Power with the Dictators, and with the Emperors, as *L. Feneſtella* (6), *Pomponius Lætus de Magiſtratibus Romanorum* (7), and *Flavius Vegetius* (8) and *Marcus Tullius Cicero*, treating of Martial Affairs do deſcribe.

But

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(1) *Rom. Hiſt.* Vol. I. Cap. 1. p. 11.

(2) *Ibid.* Vol. I. Cap. 2. p. 21.

(3) *Ibid.* Cap. 3. p. 30.

(4) *Ibid.* Cap. 5. p. 37, 38.

(5) *Actius Nævius,*] *Augur novacula cotem præcidit ſpectante Tarquinio priſco Rege, quo factum eſt, ut & a Rege & a Populo ſemper in rebus dubijs conſuleretur.*

(6) *L. Feneſtella.*] There were two of this Name. One a learned Hiſtorian, who liv'd in *Tiberius Cæſar*'s Days, or (as *Euſebius* ſaith) in *Auguſtus Cæſar*'s Time. The other, whom we are here concern'd with, liv'd long ſince him, and wrote *De Sacerdotijs & Magiſtrat. Rom. Sic dictus a medio capitis calvo,* &c.

(7) *Pomponius Lætus (Julius)* Born in the Kingdom of *Naples*, is ſaid to have been the Natural Son of a Prince of *Salerno*, and was in Eſteem at *Rome* in the 15th Age, in the Time of *Pius* the IId, with *Platina* and *Callimachus*; (but was not in the Time of *Paul* the IId,) againſt whom, it is not doubted, but he was one of them that conſpir'd; and, perhaps, to avoid Puniſhment, retir'd to *Venice*, but came afterwards to *Rome*, publiſh'd an Abridgment of the Lives of the *Cæſars*, from the Death of *Gordion* to *Juſtin* the 3d, a Book of *Mahomet*, and one concerning the *Roman* Magiſtrates. *Obijt Ætat. ſuæ* 70 *Ann.* in the Time of *Alexander* the VIth, and as it is

ſaid

But *Pomponius Lætus* writeth, that *Romulus* call'd the General of an Army (whom the *Germans* call *Hertzogen* (1) *Tribunum Celerum: Salluſtius* (2), in his Treatiſe concerning the Conſpiracy of *Catiline*, hath call'd them *Dictatores & Imperatores*, Dictators and Emperors. *Eachard*'s (3) Words are; The Dictator, upon his Creation, always made Choice of another Officer, who had either been Conſul or Prætor, to aſſiſt him: This Officer was call'd *Magiſter Equitum*, who had chief Command over the Horſemen, as the Dictator had over the *Roman* People. In the Dictator's Abſence, this Maſter of the Horſe executed his Place in the Army; if preſent, he commanded the Horſe, yet ſo as to be obedient to the Dictator's Orders, and never to fight either contrary to, or without his Commands. Beſides, great Magiſtrates, call'd *Præfecti Prætorio*, were of ſo great Credit and Autho-

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ſaid in a very poor Condition. *Sabellicus*, who was his Diſciple, wrote his Life.

(8) *Flavius Vegetius*] Of *Conſtantinople*, liv'd in the 4th Age, under the Emperor *Valentinian*. He writ a fine Treatiſe of the *Roman* Martial Diſcipline, which is very uſeful for the Knowledge of the Order the *Romans* obſerv'd in their Wars; and of Horſe-Leech-Skill, or Farriery.

(1) *Hertzogen.*]

Authority, that if Appeal had been made from their Sentence, Appeal might again be made from the Emperor to the *Præfecti Prætorio*, who for their great Wiſdom, Goodneſs, and Juſtice, were by the Emperors choſen into that Office, and had almoſt the whole Eſtate of the Common-wealth committed to them. *Severus* (4) granted many Things to the great Officers, called *Præfecti Urbis* (5), and *Præfecti Prætorio*, of both which here to ſpeak were needleſs, ſince my Deſign is only to touch upon the Authority of the latter (the Captain of the Guard) which the Emperor gave ſolely to him, who was the chief, lively, and very eſſential Law it ſelf, and had Power to thruſt Citizens into Exile, and reſtore them to their Eſtates again. Hence it is moſt evident, that Princes and Governors of the People had the Power and Authority of the Sword to puniſh Offenders, and adminiſter Juſtice, whereby they were afterwards thought to procure, and get a great Name of Nobility to themſelves and their Poſterity. And very probable is it alſo, that the Authority of Princes and Dukes had its Origin from the *Tribuni* and *Præfecti*; which Princes, at ſuch time as the *Roman* Emperors remov'd out of *Germany* and *Italy* into *Greece*, are reported to have aſſum'd to themſelves the Imperial Power; which Authority and Regal Privileges we ſee (even at this Day) granted by Kings and Emperors to Dukes and Princes; ſo that the Election of Princes and Dukes dependeth not upon their Subjects (as the Election of Kings doth) but is Datively, as of Gift, to be referr'd to the Favour and Bounty of the Emperors and Kings to whom they have been ſubject.

And

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(1) *Hertzogen.*] The *Germans* call their Dukes *Hertzogen*, and a Dutchy *Hertzogthumb*, at this Day. So *Ertzhertzog*, Great Duke.

(2) *Salluſtius*] (*C. Criſpus*) A Latin Hiſtorian, born at *Amiternum*, a City of *Italy*, ſuppos'd by ſome to be the ſame that is now call'd *San-Vittorino*. He was educated at *Rome*, where he had ſeveral important Employments. Never did any Man ſet down better Sentences than he in Commendation of all Vertues, nor make ſharper Invectives againſt the Luxury and Avarice of his Times; yet for all this, he was for his looſe and debauch'd Life baniſh'd the Senate by the Cenſors, and was whipp'd and fin'd for Adultery, which *Milo* took him in, as *Aulus Gellius* tells us from *Varro*. True it is, *Caſar* reſtor'd him to the Dignity of a Senator, got him made Prætor, and ſent him into *Numidia*; which Province having outragiouſly pillag'd, he return'd ſo rich to *Rome*, that he purchas'd a moſt ſumptuous Building upon Mount *Quirinal*, with thoſe Gardens which to this Day are call'd the *Salluſtian* Gardens, beſides his Country-Houſe at *Tivoli*. He marry'd *Terentia*, the divorc'd Wife of *Cicero*, and dy'd in the 185th Olympiad, about the Year of *Rome* 719. We have nothing but ſome Fragments of the chief Hiſtory

And as in former Times the Names of Duke and Prince were Names of Offices, and not of Honours and Dignities; ſo in the Times of the *Romans*, the *Roman* Kings, their Dictators, and Conſuls, and alſo their Emperors (1), were, in the Adminiſtration of their Civil Affairs, all Martial Men both of Horſe and Foot.

But, beſides theſe great Offices of the *Tribuni* and *Præfecti*, there were other Publick Offices and Charges; ſome call'd *Ordinarij*, becauſe they kept Orders in the Army, and ſtood in the

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ſtory of *Salluſtius*, which he began from the firſt Building of the City of *Rome*; and the two only entire Pieces we have of him, are, *The Conſpiracy of* Catiline, and *The War of* Jugurtha. *Martial* judgeth him to be the moſt conſiderable Author of the *Roman* Hiſtory.

(3) *Rom. Hiſt.* Vol. I. Lib. 2. Cap. 2. p. 75.

(4) *Severus*] (*Septimius*) An Emperor of *Rome*, born at *Septis*, a *Roman* Colony in *Africa*, was a great Enlarger of the *Roman* Empire, though the 6th Perſecution, wherein *Irenæus* ſuffer'd, rag'd in his Time. He built the *Picts* Wall in *England* from Sea to Sea, about 32 Miles in Length, the Ruins whereof are ſtill to be ſeen to this Day. The Elder of his two Sons having attempted his Life, it threw him into a Melancholy, whereof he dy'd a Year after at *York*, the 4th of *Feb.* 211. after a Reign of 17 Years and upwards.

(5) *Præfecti Urbis*] Or *Præfecti Urbi*; Governors of Towns, whoſe Buſineſs it was (in the Time of the *Romans*) to look to the River and High-ways.

(1) *Empe-*

the Front of the Battle: Thoſe, in the Time of *Auguſtus*, were wont to be call'd *Auguſtales*; and of *Fla. Veſpaſianus*, *Flaviales*. Some were call'd *Aquiliferi*, carrying an Eagle (2) in their Enſigns; others went by the Name of *Imaginarij*, bearing the Enſign of the common or general Army of the People of *Rome*, remarkable with the Letters *S. P. Q. R. Senatus Populuſq; Romanus*, or the Senate and People of *Rome*; whom I can more properly compare to none, than to our Standard or Enſign-Bearers.

But were I here to proſecute all Things in Order, this Treatiſe would abundantly ſwell beyond my Deſign, which in this Place is only ſlightly, as it were, to ſhew the Beginnings of Noble Dignities and Offices, leſt any Man ſhould ſuſpect them to be but altogether fictitious, and not grounded upon Reaſon: Rehearſing in the mean time theſe Things by the way, that when I ſhall come to our own Age, it may appear how much Powers, Dominions, and Nations, differ amongſt themſelves; for they, who in antient Times were under Kings and Emperors appointed Governours over Regions and Countries, are now become Hereditary Poſſeſſors thereof; and they who before were but

Noble Miniſters or Servants, are now become Abſolute Nobles.

By

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(1) *Emperor*] *Lat. Imperator*, a Name which the *Romans* gave to all the Generals of an Army; but in a ſtrict Senſe, that General was call'd more particularly *Imperator*, or Emperor, who having won ſome ſignal Victory was ſo ſaluted by the Acclamations of the Soldiers, and afterwards honour'd with the ſame Title by a Decree of the Senate. To which Purpoſe, he ought to have gain'd a Battle wherein 10000 had been ſlain on the Enemies ſide, or elſe to have conquer'd ſome very conſiderable City. *Cæſar* was call'd Emperor by the *Roman* People to denote his Sovereign Power over the Republick; for when he, thro' the Greatneſs of his own Fortune, and by Reaſon of the degenerating Spirits of the *Romans*, had made himſelf Maſter of their ſo Free State, he thought it ſafer to retain, than innovate his Title of Supremacy; and therefore having the perpetual Office of Dictator and Conſulſhip, with the Place of General or *Imperator* (as the Word hath Relation to his Military Forces) he took that alſo (being as willingly given him as the reſt) for a perpetual Title: *Honores nimios recepit (ait Tranquillus) ut continuum Conſulatum, perpetuam Dictaturam, Præfecturamque Morum, inſuper Prænomen Imperatoris*, &c. And after him it hath continu'd to this Day in the Title of his Succeſſors; yet withal, ſince him, and before his next Succeſſor *Auguſtus*, it was us'd likewiſe in their Titles, who for a breathing-time had with a deſperate Cure recover'd the Publick Liberty. For both *Brutus* and *Caſſius* have it in their Attributes upon their Coins inſcrib'd, ſometimes with two Poignards and the Cap of Liberty, thus, *Brut. Imp. & C. Caſſij Imp. Libertas*, and the like; as alſo it occurs in the Inſcriptions of *Lepidus* and *Antonius*, the 30 Tyrants, and ſome others. But whereas that Paſſage of *Tranquillus* makes it his *Prænomen* or Forename, as if it were firſt to be mention'd in the Title of the Emperors who derive from him, I think he was deceiv'd.

ceiv'd. For in all the Inſcriptions that occur of him in his Coins, or otherwiſe, I find not the Title of Emperor preceeding his Name, but always ſubſequent; as *Cæſar Imp. P. M.* and the like very often. Neither was it in his Succeſſors conſtantly kept as a Fore-name, but ſometimes it preceeded, as may be ſeen in divers of *Auguſtus* his Coins, and the following Emperors, as eſpecially in that of *Juſtinian*'s Title, *Imperator Cæſar Flavius Juſtinianus*; and ſometimes it follow'd, as at this Day it doth in the Emperor's Title. But indeed it appears, that in the Succeſſors of *Julius*, there was a difference in the Uſe of it as ſubſequent, and the making it a Fore-name. For the uſing of it as ſubſequent, denoted only (or at leaſt chiefly) ſome great Performance by Arms in ſettling or increaſing the Empire. But when it was a Fore-name, it ſignify'd, in thoſe elder Times, only the Emperor's Supremacy in the State. Whence it falls out, that ſometimes it is us'd twice in one Expreſſion of the Emperor's; as in one of *Auguſtus* his Coins, the Inſcription is, *Imp. Caſ. Aug. Imp. IX. T. R. P. V.* where the Fore-name of *Imperator* denotes his Supremacy; but that of *Imp. IX.* (which is ſubſequent, and ſignifies, that he had, as a General, deſerv'd a Triumph nine times) hath Relation only to the ſeveral great Benefits which the State had receiv'd by his Arms. That which follows, *T. R. P. V.* being the Number of the Years ſince he had the *Tribunitia Poteſtas* given him, which was alſo every Year renew'd to the Emperor's, and therefore in that Number alſo the Years of their Empire were expreſs'd. (*Dio Caſſius*, *Hiſt.* 53. *Seld. Tit. Hon.* Part the Iſt, Cap. the 2d, pag. 11, & 12.) But at preſent he is only call'd Emperor, who is Chief of the *German* Empire.

(2) *Eagle*] Military Colours, which ſeveral Nations carry'd in Imitation of *Jupiter*. The *Perſians* (for Inſtance) do ſo, as *Zenophon* teacheth us; and the *Epirots* ſeem to follow them, in their Cuſtom of fixing an Eagle upon the Top of a Pike. The *Romans* had the ſame Fancy; the Eagle upon their Standards was repreſented with her Wings ſpread out, graſping a Thunder-Bolt in her Talons, and in a Poſture of being ready to let it fly. This Eagle was kept in *Saturn*'s Temple, from whence they

took it, when they were going to make a Campaign. And thus in Time of War, they us'd to plant it in their Camp, and in the Field of Battle, and when they found it very hard to pluck it out of the Ground, they look'd upon it as an ill Omen, as it was prov'd upon the Experiment to *Craſſus*, when he paſs'd the *Euphrates*. In ſhort, the *Romans* had a great Veneration for theſe Military Eagles, made a ſort of Gods of them, and built them a little Temple for themſelves, as *Dionyſius Harlicarnaſſus* informs us. *Tacitus* alſo calleth the *Roman* Eagles Legionary Deities; and in ſome Medals of *Auguſtus*, there is the Figure of an Eagle, with an Altar burning before her. There are Eagles likewiſe in *Trajan*'s Pillar, with Emperors carv'd to the half Length. This great Veneration, the Antients had for their Colours, is the reaſon why Soldiers think themſelves ſo much oblig'd to keep them from falling into the Enemies Hands, and chooſe rather to loſe their Lives, than their Colours. The *German* Empire gives a double Eagle for their Arms, which Cuſtom (as *Munſter* and *Aldrand* relate it) was begun by *Charlemagne*; but the K. of the *Romans* gives only a ſingle Eagle. *Joannes Baſilius* great Duke of *Muſcovy*, being willing to impoſe upon the World his Deſcent from the *Roman* Emperors, gave a double Eagle for the Arms of *Ruſſia*; but then there was ſome Difference in the Bearing; for the *Muſcovitick* Eagle was in the Poſture of making a Stoop, but the *Roman* Eagle in that of Touring up to the Sky. In fine, both the *Romans* and *Greeks* believ'd the Souls of Kings and Princes were at their Deaths, convey'd by Eagles into Heaven, which gave the Riſe to the Cuſtom of commonly Ornamenting the Statues of their Emperors with the Figure of an Eagle. The Eagle of the *Roman* Empire is repreſented double-headed in Heraldry, but 'tis uncertain when, and why this Cuſtom began; *Lipſius* upon *Trajan*'s Pillar, obſerves that there was the Figure of a Soldier; who bore an Eagle with two Heads upon his Shield; but then we muſt obſerve, that this is the only Inſtance in all Antiquity of an Eagle with two Heads. And beſides the Learned Conjecture, that this Soldier's Eagle was put to ſignify, either that two Legions were thrown into one, or that one Legion was commanded by two general Officers. Some Authors pretend, that *Conſtantine* the

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By what hath been already ſaid, it moſt plainly appeareth, that the Kindred, Stock, and De-

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the Great took the Eagle with two Heads, or the Spread-Eagle, for the Cognizance of the Empire, upon his making himſelf Maſter of both the Empires, *Eaſt* and *Weſt*, in the Year 325. *Triſſino* thinks that this Eagle had not two Heads, till after the Diviſion of the Empire between *Arcadius* and *Honorius*, Ann. 395. And this alſo Cardinal *Bellarmine* thinks. Other Writers fancy that *Sigiſmund*, Son to *Charles* the IVth was the Firſt that us'd this Bearing, in 1410. Their Reaſon is, becauſe, ſince this Emperor's Reign, the Eagles ſtands upon Monuments and other Records, in this Figure, but not before; for even in the Golden Bull, made by *Charles* the IVth, the Eagle has but one Head. Nothwithſtanding by their Favour we have a ſmall ſilver Coin of *Robert* of *Bavaria*, who was Emperor before *Sigiſmund*, upon which, on one ſide there's the Flower-de-Lys of *Florence*, and on the reverſe a St. *John* Baptiſt, with two Coats of *Bavaria*, and a little Spread-Eagle with two Heads. Father *Menetrier* tells us, that the Spread-Eagle with two Heads was firſt given by the *Eaſtern* Emperors, and that the Fancy of it is the ſame with that of the double Croſs, which we ſee upon their Coins; for the Croſs being now the Sceptre of the Chriſtian Emperors of *Conſtantinople*, when there happened to be two Emperors upon the Throne together, their Effigies were both ſtamp'd upon the ſame ſide, with one Croſs charg'd upon another, which each of the Emperors held in his Hand. 'Tis very likely the Eagle was born the ſame way in their Cognizances, and they either bore them double in Sur-charge, or elſe repreſented a ſingle one with two Heads; and that this way of Bearing was ſoon imitated by the *Weſtern* Emperors: However *Cuſpinian* obſerves, that the *German* Imperial Eagle is not ſingle with two Heads, but that there's two Eagles, One of which having her Pinions ſpread, covers the Body of the other. (*Supplement to* Collier'*s great Hiſt.* &c. *Dict.*)

(1) Sir

Deſcent of the Nobility in former Ages flouriſh'd, and became famous only by Vertue, Noble Acts, and Valour of Mind; and that, Vertue ſet apart, we are all, as much as concerneth Man's Nature, the Sons of *Adam.* So that according to the Rule of Theological and Philoſophical Nobility (which our Anceſtors principally regarded) to boaſt of Nobility by Birth without Vertue, was but a vain Thing:

Nam Genus, & Proavos, & quæ non fecimus ipſi,
Vix ea Noſtra voco - - - -

I therefore earneſtly intreat and exhort all Men, that foraſmuch as Vertue cometh not by Inheritance, every Man would of himſelf endeavour to become Noble; for they who otherwiſe brag and boaſt of Nobility, ſeem only Honourers of Vertue upon another Man's Credit, and live not by their own. And ſurely (as that great Man Sir *Walter Rawleigh* (1) inſinuates in his incomparable Hiſtory of the World) (2) if we had as much Senſe of our degenerating in Worthineſs, as we have of Vanity in deriving our ſelves of ſuch and ſuch Parents, we ſhould rather know ſuch Nobility (without Vertue) to be Shame and Diſhonour, than Nobleneſs and

Glory to vaunt thereof; but with Grief be it ſpoken, the Faſhion and Manner of the World now-a-days is quite the Reverſe; For what cannot Flattery, the Favour of Princes, and too much Indulgence do and bring to paſs?

Thus

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(1) Sir *Walter Rawleigh*, Son of *Walter Rawleigh* Eſq:, by *Catherine* his Wife, Daughter of Sir *Philip Champernoon*, Knight, was born at *Budeley* in *Devonſhire*, and tho' Educated in the Univerſity and the Inns of Court, was forc'd, thro' the Narrowneſs of his Fortune, to expoſe his Perſon in the Land-Service of *Ireland*, where the Lord *Grey* (under whom he ſerv'd) and he diſagreeing, both were ſent for to be heard before the Council-Table; *Rawleigh* pleaded his Cauſe ſo well that Queen *Elizabeth* took particular Notice of him, and receiv'd him into her Favour, which by many ſucceſsful Services for her, both by Sea and Land, he preſerv'd, being very active againſt the *Spaniſh Armada* in 1588, and Joynt-Commander with the Earl of *Eſſex* in the Sacking of *Cadiz*. She made him Captain of her Guards, Warden of the Cinque-Ports, and Governour of *Virginia*, which he had diſcover'd; leaving the Arrear of Recompence due to his ſingular Merit to be paid by her Succeſſor King *James*. But being turn'd out of his Place of Captain of the Guards at the very Beginning of this King's Reign, and another (a *Scotch* Lord) put in his room, it brought upon him that Diſcontent, which hurried him into the Company and Society of the Lords *Cobham* and *Grey*, Sir *Griffin Markham*, *George Brook* Eſq:, and others who had more real Deſigns againſt the Government, than himſelf; and prov'd fatal to him. For in *July* 1603, he was apprehended and committed to the Tower for a Combination with the 'fore-mention'd Perſons, and others to ſubvert the State, and ſet up the Lady *Arabella Steward*; and being brought to his Tryal on the 4th of *November* following at *Wincheſter*, was found guilty of High-Treaſon, and had Sentence paſs'd

upon him accordingly: But the King of his Mercy reſpited Execution, and was contented to detain him 14 Years in the Tower; where with great Reputation he ſpent his Time in writing his Incomparable Hiſtory of the World (a Deſign and Performance ſo great, that no other Man of leſs Parts and Abilities could have accompliſh'd) and might have continu'd a happy Man, had he not been releas'd, for being deſirous of Liberty, after ſo long a Confinement, he projected to the King a Voyage to *America*, upon a particular Aſſurance from one Captain *Keniſh* of gaining a Mine of Gold in *Guyana*, a Country which he had formerly known. The King (well enough appriz'd of his Skill and Bravery) condeſcended to the Undertaking, giving him a Commiſſion under the Great Seal of *England* to ſet out Men and Ships for the Service; but firſt commanded him upon his Allegiance to give under his Hand the Number of his Men, the Burthen and Strength of his Ships, together with the Country and River which he was to enter. All which being exactly done, and coming ſo timely to the Knowledge of *Gondomar* (Embaſſador then from the King of *Spain* at the *Engliſh* Court) that Proviſion was made in the *Indies* for his coming, his Expedition prov'd unſucceſsful. However, rather than ſee *England* again without doing ſomething, and bearing deadly Hatred to the *Spaniards*, he fell upon St. *Thomas*, a Town of theirs, and without much difficulty made himſelf Maſter of it; which Fact *Gondomar* complaining of, and aggravating to the King, he was at his return Home, in 1618, apprehended by Proclamation, and re-committed, and after a Reprieve of 15 Years Beheaded, in the 66th Year of his Age, to the deep Concern of many worthy Perſons, notwithſtanding the Allegations he made in his own Defence, *viz.* That the *Spaniards* urg'd him to it by their firſt aſſaulting him; and that he could not come at the Mine without winning the Town.

Thus died the great Sir *Walter Rawleigh*, highly in Favour with Queen *Elizabeth*, and, next to *Drake*, the great Scourge and Terror of the *Spaniards*: a Man of extraordinary Bravery, and admirable Abilities; whoſe Death was One of the great Blemiſhes of King *James*'s Reign. Beſides his *Hiſtory of the World*, he writ ſeveral other Pieces, *viz.*

The Cabinet Council, containing the Chief Arts of Empire, and Myſteries of State.

An Account of his Catholick Majeſty's Power and Riches: The Riſe and Ruin of the Sarazen *Empire: Of Mines, and Tryals of Minerals.*

The Prerogative of Parliaments in England.

Inſtructions to his Son, and his Poſterity.

Divers Speeches and Arguments in ſeveral Parliaments, &c.

(2) Book the Firſt, Part the Firſt, Chapter the Ninth, Section the Fourth.

(1) *Pope*

Thus have I given you my Judgment of Political Nobility in antient Time amongſt the *Gentiles*, which Philoſophers have here-to-fore ſet forth to us as a wavering Thing (and Divines as a Thing uncertain) whilſt they, in ſpeaking thereof, omitted the Civil Rights of Perſons.

It were verily to be wiſh'd that the Ornaments of Vertue ſhould be every where conferr'd and beſtow'd upon none, but ſuch in whom Vertue it ſelf reſteth; ſince as the Increaſe of Honour; ſo the Credit and Reputation thereof alſo is propounded to be gotten not by Ambition, but by Induſtry. But as Political Nobility is another Thing, whereof there be divers Beginnings, and thoſe of ſuch Sort and Condition, as make in every Man who hath them, a Beginning and Excellence proper and peculiar to himſelf; ſo it is from the reſt of the Kinds of Nobility (*viz.* Theological and Philoſophical) by this only Difference diſtinguiſh'd, That whilſt they reſt alone upon Religion and Vertue, this Civil Nobility reſteth upon the Cuſtoms of Nations.

But if theſe old and moſt antient Times of the *Roman* Empire be compar'd with ours, we ſhall find no Token of that antient Nobility in the Courts of Princes. If we ſeek for ſuch as they call'd *Patricij*, or Senators (whom the *Romans* reverenc'd as Men ſent down from Heaven) we ſhall find them no where but in Cities, and great Towns, exerciſing Uſury and Merchandize, (Trades utterly prohibited by the *Romans*) whom (tho' within their own Walls they be much regarded and eſteem'd) our noble Courtiers were wont to ſcoff at, and ridicule. Or if we go to the Time of *Pope* (1) *Urban* (2), who made *Charles* (3) the Son of King *Lewis* (4) VIIIth in *France* a Senator of *Rome*, when he ſhould rather of his own Right have grac'd him with the Cardinal's Hat; how ridiculous a Compariſon was it of the *French* King's Son with a Senator of *Rome*, as the Matter now ſtandeth?

(1) *Pope.*] The Word *Papa*, *Pope*, has undergone a like Fate with divers other Words, which antiently were taken in a quite contrary Senſe to what they are now: For Example, The Word *Tyrant* antiently ſignified a King, and ſo *Latinus* (*Virgil Æneid* 7.) ſtiles *Æneas*, whoſe Friendſhip he deſir'd. Alſo *Sophiſta* formerly ſignified a Wiſeman; but now it is taken for a Pretender to Wiſdom. Likewiſe the Word *Hoſtis* antiently meant no more than a Stranger, but now it ſignifies an Enemy: So in like manner, the Word *Papa* was antiently taken in a good Senſe, and given indifferently to Biſhops and Miniſters of God's Word: A Biſhop, Miniſter and Paſtor bearing all one Signification in the Primitive Church. But afterwards Riches made the Difference we now find. That this Word ſignifies what hath been ſaid, may be prov'd from divers Epiſtles of the Fathers of the Church; ſuch as St. *Jerom*, St. *Cyprian*, *Dionyſius Alexandrinus*, St. *Auſtin*, *Sidonius Apollinaris*, and St. *Gregory*; as alſo from the Acts of divers Councils, all which the Reader is deſir'd to peruſe. The *Greeks*, even at this Day, call their Prieſts *Papaous*; and the *Germans* ſtile their Pfaff; which Names undoubtedly came from the Word *Papa*, which according to *Suidas*, ſignifies Father in the *Sicilian* Tongue. Now of all theſe Authors I have mention'd, I will quote Proofs but out of two. Firſt, St. *Jerom* Writing to St. *Auſtin* ſays, I entreat you Affectionately to recommend me to our holy and venerable Brother, Pope *Alipio*; yet 'tis certain, *Alipio* was never Biſhop of *Rome*. Secondly, Amongſt the Epiſtles of St. *Cyprian*, One has this Title; the Presbyters and Deacons reſiding in *Rome* ſend Health to Pope *Cyprian*; now, what is to be obſerv'd is, that the Church of *Rome* gave this Title of Pope to St. *Cyprian*, who was Biſhop of *Carthage*, and never ſo of *Rome*. But ſince the Avarice and Ambition of the Biſhops of *Rome* have encreas'd to that Degree, that they have made themſelves Princes and univerſal Biſhops, and for the ſame Reaſon Anti-Chriſts: they have depriv'd their Fellow-Biſhops of the Title of Pope, and reſerv'd it wholly to themſelves; ſo that there is now no other Pope, than the Biſhop of *Rome*, who being alſo Anti-Chriſt, it follows, the Name of Pope ought to be equally abhorr'd and deteſted by all

good Men. I ſpeak not againſt the firſt Acceptation of the Word *Pope*, but againſt the ſecond.

The Biſhops of *Rome* may be divided into Three Claſſes. The Firſt containing all from the firſt Biſhop to St. *Sylveſter*: The Second, all from him to *Boniface* the third; and the Third, all from *Boniface* to the Preſent Pope *Clement* the 11th. Thoſe of the Firſt Claſs may be call'd Angels of God, holy both in their Lives and Doctrines, Poor in Spirit and Simple in Heart, free from all Manner of Avarice and Ambition: They were true and good Biſhops almoſt 300 Years, whereof *Linus* was the firſt; for St. *Peter* never was Biſhop of *Rome*; nay, 'tis a Queſtion, whether ever he was there; which makes the Pope's Succeſſion and Supremacy a mere Falſity, and Impoſition. Thoſe of the Second Claſs were not to be compar'd with thoſe of the Firſt, either for their Lives or Doctrines; inaſmuch as the Perſecution being at an End, they gave themſelves up to Eaſe and Idleneſs, and by ſeveral Canons and Decrees prepar'd the way for great Anti-Chriſt. Theſe were call'd Arch-Biſhops for the ſpace of 200 Years, *viz.* from the Year 320 to 520; and afterwards to 605. They were ſtil'd Patriarchs. St. *Sylveſter* was the firſt Arch-Biſhop, and *Hormiſdas* (a Campanian) the firſt Patriarch. Theſe modeſtly ſpeaking were ſubject to Slips. But thoſe of the Third and laſt Claſs, whom we properly term Popes, and who are indeed the true Anti-Chriſts, are very Devils Incarnate; and this, not by way of Figure, or Exaggeration, but according to the Letter and Truth of their Actions: Of theſe *Boniface* the third was the firſt Pope, made ſo by the Emperor *Phocas* (an Adulterer, Parricide, and Tyrant) upon whom the ſaid *Boniface* by many Entreaties and Preſents prevail'd, that the See of *Rome* might be ſtil'd the Head of all Churches. About the End of the 11th Age, *Gregory* the VIIth, in a Council held at *Rome*, order'd that the Name of Pope ſhould peculiarly belong to the Biſhop of *Rome*.

(2) *Urban* the IVth, a *French*-Man, Native of *Troyes* in *Champagne*, formerly Patriarch of *Jeruſalem*, becoming Pope, fell out with *Manfred* (rather *Mainfroy*) as his Predeceſſor *Alexander* had done, and the better to Revenge himſelf, beſought *Lewis* the IXth King of *France*,

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to ſend into *Italy*, *Charles* his Brother, Count of *Provence* and *Anjou*, with an Army, whom upon that Occaſion he nam'd King of both *Sicilies*, already a Senator of *Rome*, and Vicar of the Holy Empire. At length *Charles* came, when after many Events of War, having conquer'd and kill'd *Manfred* near *Beneventum*, he thereby got Poſſeſſion of the Kingdoms of *Sicily*, with the Dukedoms of *Calabria* and *Puglia*, all which this Pope gave him without any manner of Right or Reaſon. This manifeſt Theft in the Pope was the Occaſion of much Blood-ſhed, which follow'd ſoon after. This *Urban* the IVth, at the Inſtigation of a certain Woman, nam'd *Eva*, a Recluſe in the Territories of *Lieja*, with whom he had been familiar before he was Pope, inſtituted the Feaſt of the God-Bread, otherwiſe call'd *Corpus Chriſti*; this *Eva* (as *Arnoldus Boſtius*, and *Peter Premonſtratenſis* relates) had a Viſion (without doubt diabolical) about the Celebration of the Feaſt of the Sacrament, which ſhe declar'd in her Letters to the Pope, and wherein ſhe requeſted his Holineſs, that by his Papal Authority he would pleaſe to cauſe the ſame to be Celebrated. This Requeſt the Pope granted, as appears by the Anſwer he ſent her, which begins thus; *Urbanus Epiſcopus, Servus ſervorum Dei, Dilectæ in Chriſto Filiæ Evæ ſalutem*, &c. *Urban*, the Biſhop Servant of the Servants of God (horrid Blaſphemy) to our well-beloved Daughter in Chriſt, *Eva*, Health and Apoſtolical Benediction: We are ſenſible, O Daughter, that with great Inclination thy Soul has deſir'd, that the Feaſt of the Body of our Lord Jeſus Chriſt ſhould be celebrated in the Church; wherefore, &c. This Letter is long; let the Subſtance therefore, which I have already related be ſufficient. We may hereby ſee, what the firſt Occaſion of this Feaſt was, which is every Year ſo pompouſly celebrated among the Papiſts. Then we may ſee Carpets hung out every-where, Perſons dancing about Streets, Jack-Puddings and Merry-Andrews on their Stages, Sports, Paſtimes, Gaming, Wenching, Drinking, and the like. In a Word, this is a Day of the greateſt Abomination and Superſtition, wherein, perhaps, more Iniquity is committed, than in all the Year beſides. 'Tis true Pope *Honorius* the IIId laid the Foundation of this *Babel*, but Pope *Urban* the

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IVth rais'd the Super-Structure. *Urban* died in 1264 or 5, the ſame Year he inſtituted this Feaſt.

(3) *Charles* of *France*, the firſt of this Name, King of *Naples* and *Sicily*, &c.

(4) *Lewis* the VIIIth Sir-nam'd the *Lion*, becauſe of his Courage and Bravery.

(1) *Con-*

Now therefore let us ſee (and with all reaſonable Brevity) how, and by what Degrees the Empire of that City (which, firſt built by Shepherds, at length became Miſtreſs of the whole World) began afterwards to decline from ſo great an Eſtate; and together with the Change thereof by little and little, drew with it the Alteration of noble Dignities and Titles alſo.

After the Tranſlation of the *Roman* Empire by *Conſtantine* (1) the Great, all that Excellency of Publick Dignities, whereof I have expreſsly and ſufficiently enough before treated, ſeemeth to have been chang'd into a certain other Form, and a new Manner of ennobling Men to have been devis'd: And indeed Names of Honours and Dignities in the *Eaſt* Empire ſeem to have been different from thoſe of the *Weſt* Empire; and the *Latins* (2), after that the Empire was rent in ſunder, and ſeated at *Conſtantinople*, became ſubject to the *Greeks* (3); for he who was there next to the Emperor, either by reaſon of the Nearneſs of Blood, or by Inſtitution, and of the *Latins* call'd *Primas* (4), was of the *Greeks* by a general Name ſaluted *Deſpotes* (5), *i. e.* Lord; as he is at this Day call'd Monſieur amongſt the *French* Men. The latter Writers were wont to call him (the ſame Man) *Sebaſton* (6), according as the Emperors had devis'd honourable Titles, wherewith they might grace their Friends, and bind them to them. The third in Dignity from the Emperor was the *Sebaſtocrator* (7), who was follow'd by him, whom they call'd *Cæſar*, as fourth.

But

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(1) *Conſtantine*, the firſt of the Name, the Son of *Conſtantius* and *Helena*, the firſt Emperor that embrac'd the Chriſtian Faith. He tranſlated the Seat or Court of the Empire from *Rome* to *Byzantium*; which was after that call'd by his Name *Conſtantinople* and new *Rome*, for which reaſon the Country of *Thrace* alſo, in which the City ſtands, was call'd *Romania.* He divided the Empire among his three Sons, *Conſtans*, *Conſtantius*, and *Conſtantine*, he was born at *Naiſe* (a Town in the Province of *Dacia*) the 24th of *July*, about the Year 272, after a Reign of 39 Years, 9 Months, and 27 Days, reckoning from his Father's Death, which happen'd the 25th of *July*, 306. He died on the 22d of *May*, 337, at *Achiron*, near the Suburbs of *Helenopolis*.

(2) *The Latins*] The Reaſon of the Names of *Latini* and *Latium* cannot better appear than in Sir *Walter Rawleigh*'s own Words, which are as follow, *viz.*

‘In *Italy* the *Latins* and *Hetrurians* were moſt famous; the *Hetrurians* having held the greateſt Part of it under their Subjection; and the *Latines* by the Vertue and Felicity of the *Romans*, who were a Branch of them, ſubduing all *Italy*, and in a few Ages whatſoever Nation was known in *Europe*, together with all the *Weſtern* Parts of *Aſia*, and *North* of *Africk*.’

The Region call'd *Latium*, was firſt inhabited by the *Aborigines*, whom *Halicarnaſſeus*, *Varro*, and *Reyneccius* (following them) thinking to have been *Arcadians*; and this Name of *Aborigines* (to omit other Significations that are ſtrain'd) imports as much as Original, or Native of the Place, which they poſſeſs'd; which Title the *Arcadians* are known in vaunting manner to have always uſurp'd, fetching their Antiquity from beyond the Moon; becauſe indeed, neither were the Inhabitants of *Peloponneſus* inforc'd to forſake their Seats ſo oft as other *Greeks* were, who did dwell without that half Iſland; neither had the *Arcadians* ſo unſure a Dwelling as the reſt of the *Peloponneſians*, becauſe their Country was leſs fruitful in Land, Mountainous, and hard of Acceſs, and they themſelves (as in ſuch Places commonly are found) very warlike Men. Some of theſe therefore having occupied a great Part of *Latium*, and held it long, did according to the *Arcadian* manner, ſtile themſelves *Aborigines*, in that Language, which either their new Seat, or their Neighbours thereby had taught them.

After the *Aborigines* were the *Pelaſgi*, an antient Nation, who ſometimes gave Name to all *Greece*; but their Antiquities are long ſince dead, for lack of good Records; neither was their Glory ſuch in *Italy*, as could long ſuſtain the Name of their own Tribe; for they were in ſhort ſpace accounted one People with the former Inhabitants. The *Sicani*, the *Auſones*, *Arunci*, *Rutili*, &c. did in Ages following diſturb the Peace of *Latium*, which by *Saturn* was brought to ſome Civility, and he therefore canoniz'd as a God.

This *Saturn* St. *Auguſtine* calleth *Sterces*, or *Sterculius*; others term him *Stercutius*, and ſay that he taught the People to dung their Grounds. That *Latium* took its Name of *Saturn*, becauſe he did *latere*, i. e. lie hidden there, when he fled from *Jupiter*, is queſtionleſs a

Fable; for as in Heatheniſh Superſtition it was a great Vanity to think that any Thing could be hidden from God, or that there were many Gods, and that one fled from another; ſo in the Truth of Hiſtory it is well known, that no King reigning in thoſe Parts was ſo Mighty, that it ſhould be hard to find one Country or another, wherein a Man might be ſafe from his Purſuit. And yet, as moſt Fables and Poetical Fictions were occaſion'd by ſome antient Truth, which, either by Ambiguity of Speech, or ſome Alluſion, they did maimedly and darkly expreſs; (for ſo they feign'd a Paſſage over a River in Hell, becauſe Death is a Paſſage to another Life; and becauſe this Paſſage is hateful, lamentable, and painful, therefore they nam'd the River *Styx*, of Hate; *Cocytus*, of Lamentation; and *Acheron*, of Pain: So alſo becauſe Men are ſtony-hearted, and becauſe the *Greek* Λαοὶ, People, and Λᾶας, Stones, are near in Sound, therefore they feign'd in the Time of *Deucalion* Stones converted into Men, as at other Times Men into Stones) in like manner it may be, that the Original of *Saturn*'s hiding himſelf was ſome Alluſion to that old Opinion of the wiſeſt of the Heathen, that the True God was *ignotus Deus*, as it is noted in the *Acts* (7. 2, 3.) whence alſo *Eſay* of the True God ſaith (45. 15.) *Tu Deus abdens Te.* For it cannot be in vain, that the Word *Saturnus* ſhould alſo have this very Signification, if it be deriv'd (as ſome think) from the *Hebrew*, *Satar*, which is to hide: Howbeit, I deny not, but that the Original of this Word *Latium* ought rather to be ſought elſewhere.

Reyneccius doth conjecture, that the *Ceteans*, who deſcended of *Cethim*, the Son of *Javan*, were the Men who gave the Name to *Latium*; for theſe *Ceteans* are remember'd by *Homer* as Aiders of the *Trojans* in their War. *Strabo*, interpreting the Place of *Homer*, calls them Subjects to the Crown of *Troy*. Hereupon *Reyneccius* gathers, that their Abode was in *Aſia*, *viz.* in *Agro Elaitico*, which agreeth with *Strabo*; of a City which the *Æolians* held in *Aſia*, call'd *Elæa*, or *Elaia*, *Pauſanias* makes mention, *Stephanus* calls it *Cidamis*, or (according to the *Greek* Writing) *Cidamis*; which Name laſt rehears'd, hath a very near Sound to *Cethim*, *Citim*, or *Cithim*, the *Greek* Letter (D) having (as many teach) a Pronunciation very like to (Th) differing only in the ſtrength or weakneſs of Utterance, which is found between many *Engliſh* Words written with the ſame Letters. Wherefore that theſe *Ceteans*, being deſcended of *Cethim*, *Cittim*, or *Kittim*, the Son of *Javan*, who was Progenitor of the *Greeks*, might very well take a Denomination from the City and Region which they inhabited, and from thence be call'd *Eleites*, or *Elaites*, is very likely; conſidering that among the *Arcadians*, *Phocians*, *Ætolians*, and *Eleans*, who all were of the *Æolique* Tribe, are found the Names of the Mountain *Elæus*, the Haven *Elæas*, the People *Elaitæ*, the City *Elæus*, *Elaia*, and *Elateia*, of which laſt it were ſomewhat harſh in the *Latin* Tongue to call the Inhabitants by any other Name than *Elatini*, from whence *Latini* may come. Now, whereas both the *Cetæi* and *Arcadians* had their Original from *Cethim*, it is nothing unlikely, that agreeing in Language and Similitude of Names, they might nevertheleſs differ in Sound and Pronunciation of one and the ſame Word: So that as he is by many call'd *Sabinus*, to whom ſome (deriving the *Sabines* from him) give the Name of *Sabus*; in the like manner might he, whom the *Arcadians* would call *Elatus* (of which Name they had a Prince that founded the City *Elateia*) be named of the *Ceteans Latinus.*—— *Reyneccius*, purſuing this likelyhood, thinks, that when *Euripylus*, Lord of the *Ceteans* (being the Son of *Telephus*, whom *Hercules* begat upon *Auge*, the Daughter of *Alcus* King of *Arcadia*) was Slain by *Achilles* in the *Trojan* War, then did *Telephus*, Brother to *Euripylus*, conduct the *Ceteans*, who (fearing what Evil might befal themſelves by the *Greeks*, if the Affairs of *Troy* ſhould go Ill) paſs'd into that Part of *Italy*, whereas the *Arcadians* were planted by *Oenotrius.*

And *Reyneccius* further thinks, that *Telephus*, being the more gracious among the *Oenotrian Arcadians*, by the Memory of his Grand-Mother *Auge*, an *Arcadian* Lady, was well-contented to take an *Arcadian* Name, and to be call'd *Elatus*, which in the Dialect and Pronunciation either of the *Ceteans*, or of the *Oenotrians*, was firſt *Elatinus*, and then *Latinus.* That this Name of *Elatus* may have been taken or impos'd by the *Arcadians*, it is the more eaſy to be thought, for that there were then two Families, the one of *Iphidas*, the other of *Elatus*, who were Sons of *Arcas*, King of *Arcadia*, which gave Name to the Country; and between theſe two Families the Succeſſion in that Kingdom did paſs, almoſt interchangeably, for many Ages, till at the End of the *Trojan* War it fell into the Hand of *Hippotheus*, of the Race of *Elatus*, in whoſe Poſterity it continu'd until the laſt. Again, the Name of *Latinus* having a derivative Sound, agrees the better with the Suppoſition of ſuch an Accident: This is the Conjecture of *Reyneccius*, which, if he made boldly, yet others may follow it with the leſs Reproof, conſidering that it is not eaſy to find either an apparent Truth, or fair Probability among theſe diſagreeing Authors which have written the Originals of *Latium*.

The Kings which reign'd in *Latium*, before *Æneas*'s Arrival there, were, *Saturnus*, *Picus*, *Faunus*, and *Latinus*.

Of the Name *Latinus*, *Pomponius Sabinus* recounts Four, one, the Son of *Faunus*, another of *Hercules*, a third of *Ulyſſes* by *Circe*, the fourth of *Telemachus*. *Suidas* (in the Word *Latini*) takes notice only of the ſecond, of whom he ſaith, that his Name was *Telephus*, and the People, anciently nam'd the *Cetij*, were from his Sir-name call'd *Latini*. This agrees in Effect with the Opinion of *Reyneccius*, the Difference conſiſting almoſt in this only, that *Suidas* calls *Telephus* the Son of *Hercules*, whereas *Reyneccius* makes him his Nephew by a Son of the ſame Name. This *Latinus* having obtain'd the Succeſſion in that Kingdom after *Faunus*, did promiſe his only Daughter and Heir *Lavinia*, to *Turnus* the Son of *Venilia*, who was Siſter to *Amata*, *Latinus*'s Wife: But when *Æneas* arriv'd in thoſe Parts with 15 Ships, or perhaps fewer, wherein might be imbark'd, according to the Rate which *Thucydides* allows to the Veſſels then us'd, about 1200 Men: Then *Latinus*, finding that it would ſtand beſt with his Aſſurance, to make Alliance with the *Trojans*, and mov'd with the great Reputation of *Æneas* which himſelf had heard of in the War of *Troy*, gave his Daughter to him, breaking off the former Appointment with *Turnus*, who, incens'd herewith, ſought to Avenge himſelf by War, which was ſoon ended with his own Death.

Lavinia, the Daughter of *Latinus*, being given in Marriage to *Æneas*, the Kingdom of *Latinus*, or the greateſt Part of that Country, was eſtabliſh'd in that Race, wherein it continu'd until it was overgrown by the Might and Greatneſs of the *Romans*. (*Hiſt. of the World*, the 2d Book of the Firſt Part, Chap. the 24th, Sect. 2, and 3.)

Latium, a Country of *Italy* (that of the *Latins* is now call'd *Campagna di Roma*, and St. *Peter*'s Patrimony) It lyes betwixt *Tuſcany* Weſtward, and *Campania* Eaſtward.

(3) The *Greeks*] *Græci proprie ſunt Theſſali, a Græco Rege ſic dicti. Serv. Græcia ſic dict. à Græco, Cecropis Filio, Dores, Dolopes, Pelaſgi, Dryopes, Graij, Grajugenæ, Hellenes.*

(4) *Primas. Primus Dignitate.*

(5) *Deſpotes, Deſpot.*] Originally ſignifies Maſter or Lord, from the *Greek* Word Δεσπότης. But, in the *Grecian* Empire, it ſignify'd the Firſt Dignity after that of the Emperor; and therefore Princes, or other Lords, ſpeaking to the Deſpot, gave him the Title of Βασιλεῖα σȣ̃, *i. e.* Your Majeſty; and his Wife was call'd Βασίλισσα, Queen. There were two Kingdoms of Deſpots, one in *Peloponneſus* (now *Morea*) poſſeſs'd by the Emperor's Brother, which was divided between two Deſpots, the Emperor's Brethren, about the End of that Empire. The ſecond was *Ætolia*, *Acarnania*, and the neighbouring Iſlands. There was alſo a third Deſpot out of *Greece*, *viz.* the Deſpot of *Servia*. The ſame do many *Greek* Hiſtorians teſtify.

(6) *Sebaſton*] *Auguſtum.*

(7) *Sebaſtocrator*] Σεβαστοκράτωρ, *i. e. Auguſtus Imperator*, being, as it were, a ſecond Emperor.

(1) The

But whilſt the Emperor *Baſilius* was wont to be call'd *Sebaſtos*, and alſo *Cæſar*, he (the ſame Man) at one and the ſame time enjoying all theſe Titles, theſe Dignities were then as Offices, and not as Titles of Honour. But afterward, according to the Emperor's Pleaſure, they began to be beſtow'd and diſpos'd of as honourable Names of Dignities, even without any Offices at all belonging to them. And, for a time, the next in Honour to the Emperor was call'd *Cæſar*, as the King (1) of the *Romans* is at this Day in the Weſt; but afterwards *Sebaſtocrator* was the ſecond in Honour, and *Cæſar* the third, at ſuch time as *Alexius Comnenus* appointed his Brother *Iſaacius* to be *Sebaſtocrator*, of whom *Zonaras* (2) (a *Greek* Hiſtorian) ſpeaketh more at large. And laſt of all, *Alexius Palæologus* being *Deſpotes*, was made next in Honour to the Emperor; to whom he, the ſame Emperor *Comnenus*, having no Sons, betroth'd his eldeſt Daughter *Irene*, and grac'd him with the Title of *Deſpotes*, as he who ſhould have been Heir of the Empire, if he had not before died.

Protoſebaſtus had the firſt Place and Degree of Honour from the Emperor; and at length *Panhyperſebaſtus* began to be the moſt ſtately and majeſtical Name of all others, being a new Title

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(1) The Title of King of the *Romans*, in the Senſe it is now taken, was unknown in the Time of *Charlemagne*, for that Prince took the Title as King of *Rome*; his Succeſſors beſtow'd it upon their Preſumptive Heirs and Succeſſors; ſo that it was much the ſame with the Title of *Cæſar* given by the antient Emperors of *Rome*. Now the King of the *Romans* is one choſen by the Electors in the Emperor's Life-time, to have the Management of Affairs in his Abſence, as Vicar-General of the Empire, and to Succeed him without any further Election or Confirmation. The Electors Sware not Allegiance to him, until after the Emperor's Death: He is call'd *Auguſt*, but not always *Auguſt*, as the Emperor. The Spread-Eagle that he bears for Arms has but one Head, and he has no Power in the Empire, but in the Emperor's Abſence.

(2) *Zonaras (John)* A *Greek* Hiſtorian, liv'd in the 12th Age, about 1120. He diſcharg'd ſeveral conſiderable Offices at the Emperor of *Conſtantinople*'s Court; and afterwards turn'd Monk of the Order of St. *Baſil*. He compil'd three Volumes of Annals, tranſlated out of *Greek* into *Latin* by *Jerom Walſius*, and Printed at *Bale* in 1557. The Firſt Volume contains the Hiſtory of the *Jews*, from the Beginning of the World to the Taking of *Jeruſalem*. The ſecond handles the *Roman* Affairs, from the Foundation of their City to *Conſtantine the Great*. The third, what happen'd from this Emperor's Time to *Alexius Comnenus*'s Death, 1118. He has likewiſe written Annotations upon the Canons of the Apoſtles, and upon thoſe of General and Provincial Councils, and ſeven or eight other Tracts, inſerted in the *Bibliotheca Patrum*.

(1) *Conto-*

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Title of a new Dignity, invented by *Alexius Comnenus* to gratify *Michael Taronitus* withal: *Eparchus* alſo was a Name of great Honour, as if we ſhould ſay, the Chief of all the Provincial Preſidents. *Contoſtaulus* (1) was General of the Auxiliary Forces, which out of *France*, *Sicily*, and *Italy*, ſerv'd in the Eaſt; whereof he was call'd the Great *Contoſtaulus* (2), and otherwiſe *Comeſtabilis* (3), which the *Italians* interpret *Contoſtabile* (4). *Drungarius* (5) was he who had the Command of the Fleet at Sea; but he who commanded the Army at Sea, they call'd the Great Duke (6), and in *Greek*, *Mega Dux*, for difference-ſake, imitating therein the *Latins*; for he who led the Army at Land was call'd *Egemon* (7), but he who rul'd at Sea, *Dux*. And over the Land-Army commanded always either the Emperor himſelf, or the *Deſpotes*, or the *Sebaſtocrator*, or the *Cæſar*, or the *Panhyperſebaſtus*.

And

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(1) *Contoſtaulus*] *A Latino Comite ſtabuli, qui ſtabulo ſuperiorum Imperatorum præfectus. Ammiano Marcellino (in Conſtantin. & Julian. Sect.* 3. *Chron. Lib.* 2. *in Ann.* 807.) *Tribunus ſtabuli appellatur. Græcis inferioribus Italicum ſecutis* Κονσταῦλος, Κονεσταῦλος *&* Κοντοσταῦλος, *a Conto pro Comite, & Stalla (Saxon* Stall) *ſtabulo, inde Anglo-Saxonibus, Stallarius ſimpliciter, con abjecto. (Spelm. Gloſſ.)*

(2) The Great *Contoſtaulus*] Ὁ Μέγας Κοντοϛαῦλος, *Magnus Contoſtaulus, caput eſt* Francorum *ſtipendia facientium (Codinus in Off. Conſtant.)* Κονοϛαῦλος *etiam appellatus eſt, qui cæteris omnibus Coneſtaulis, i. e ductoribus auxiliarium copiarum, imperabat. (Id. ibid.)*

(3) *Comeſtabilis, Comiſtabilis, Comeſtabulus*] *Quo tempore mutatum ſit nomen Tribunus ſtabuli, in nomen Comitis ſtabuli aut ſejunctæ dictiones conjungi cæperint, non mihi conſtat; illud mox ab ævo Conſtantini accidiſſe reor; hoc potiſſimum ſub decimo ſeculo; ſed reperitur, dici Conſtabularius a Tertulliano, ævo ante Conſtantinum, & pro Curatore ſtabuli; de quo certe miror: Conſtabulare tamen video apud Columellam occurrere pro diverſa Animalia eodem ſtabulo fovere; & tam dicitur Conſtabularius a Conſtabulando, quam ſtabularius (quod tunc frequens erat) a ſtabulando. Itali vero non ſolum Comitem ſtabuli dixere de Præfecto ſtabuli Imperatoris, ſed Metonymice etiam de præfecto Equitum; perinde mox de omni Turmæ Equeſtris Præfecto, ipſoque tandem pedeſtris (Centurione) quos hodie Capitaneos appellamus. Coneſtabiles dicti ſunt vernacule, iidem in Authoribus Latinis, Centuriones nuncupantur, ut me admonuit Scipio Ammiratus; Quos igitur hodie Capitaneos vocant, aliquando Conſtabularios dictos fuiſſe liquet; nec Italis ſolum, ſed Græcis inferioribus, Gallis & Anglis; Græci vero Exotico vocabulo, de Exoticarum tantummodo Copiarum ductoribus uſi ſunt; & inde (ut ſupra notatum eſt a Codino in Offic. Conſtant.)* Ὁ Μέγας Κοντοϛαῦλος, &c. *(Id. ib.)*

(4) *Contoſtabile*] & *Coneſtabile. (Ibid.)*

(5) *Trungarius, Druncus, Drungarius, Drungiſtus.*] *voces ex Oriente profectæ, ut quidam volunt: eſt autem Drungus, alias Druncus, Græco barb.* Δρουγγὸς *Globus militum, vel pars quædam exercitus. Romanis ſub adulto Imperio, nota vox; qua tamen non de ſuis, ſed de gentium militibus uſi ſunt. Vopiſcus in Probo, & de Probo (qui floruit, A. D. 280.) Sect. 7. Triumphavit de Germanis & Blemyis: Omnium gentium Drungos uſq; ad quinquagenos homines, ante Triumphum duxit. Et Vegetius de re*

militari, Lib. 3. Cap. 16. *Scire Dux debet contra quos Drungos hoc eſt, Globos militum, quos Equites oporteat poni. Tandem vero irrepſere vocabula in Ipſius orientalis Imperij militiam: Ut liquet ex Codino & Leonis Imperatoris Tacticio, huc mox citandis. Ubi conſtat Drungum etiam fuiſſe quantitatem aliquot Comitum (hoc eſt, cohortibus Præfectorum,) ſub Drungario tam marino, quam campeſtri merentium.*

Druncus (inquit Leunclavius) numerus militum quantus eſſe ſub Drungario, ſive Tribuno debet, nimirum 3000, aut non pauciores quam mille, nec plures quam 4000; Græcis olim Χιλιαρχία, *Italis un regimento, ſicut Gallis & Germanis; apparet autem ex his quæ retulit Vopiſcus, Drungum eo ſeculo nuncupari, ſi vel ſupra quinquagenos Homines contineret: Cumq; globum & Drungum confundat Vegetius (quod non hic ſolum, ſed Cap. etiam 19, facit) Drungi numerum inde finitum fuiſſe inſinuat; nam ſic globi fuit; Globus (inquit) dicitur, qui a ſua Acie vago ſuperventu incurſat inimicos. Alia igitur prioris militiæ ratio, alia Poſterioris.*

Drungarius; Drungi Præfectus, Tribunus, Chiliarcha. Leo Imp. (qui floruit An. 814.) in Tacticor: parte a Geſnero exhibita, viz. Drungarios appellabant Veteres Chiliarchas (Romani Tribunos.) Ejus munus idem deſcripſit Leo, Cap. 3. Sect. 9. *Drungarius dicitur, qui uni* Μοῖρα *(id eſt, Particulæ ſive cohorti militariæ) præeſt.* Μέρος *enim (id eſt, Pars) quæ etiam turma dicitur, ex tribus* Μοίραις *ſive Drungis conficitur;* Μοῖρα *autem (ſive Particula) ſive Drungus, eſt ex Cohortibus, ſive ex eis hominibus, qui Comites eſſe dicuntur, conflata Multitudo. In exercitu tertius fuit, ut in Præcedenti Paragrapho gradus etiam enarravit Leo,* viz. *Primo Imperatorem ſeu totius malitiæ præfectum. Secundo Merarchas,* i. e. *turmarum Ductores, qui tribus ſinguli Præerant Drungarijs. Tertio, Drungarios ipſos. Quarto, Comites, qui (inquit) bandorum,* i. e. *Cohortium præpoſiti dicebantur. Quinto, Centuriones. Sexto, Decanos,* i. e. *Contuberniorum Præfectos. Septimo, Quintanos; Octavo, Quartanos, qui cum ultimi eſſent, Caudanos & ultimanos vocat.*

Sed jam liceat de origine Vocis inter Doctorum calculos, noſtrum addere. Quintinus Heduus in Præfat. Commentar. Zonaræ ad Canones Apoſtolicos: Drungarium *(uti Biglam) ignotæ linguæ vocabulum perhibet. Quidam ut* Ἀσγαρεῖον, *Perſicum eſſe. Junius a Dargon (neſcio quo, Drungi, vel hujus modi Cœtus, Principe) facta (ut inquit) Epentheſi* τοῦ ν *pro* γ *geminato.*

Probabilius multo Leunclavius, qui Δρουγγὸν *apud recentiores Græcos, uti Agla apud Turcos, baculum vel Sceptrum Officij & dignitatis ſignificare aſſerit: & Drungarios, Aglarioſq; inde qui Græcis Antiquioribus* χιλίαρχοι, *Romanis Tribuni, Italis hodiernis, Gallis, Germanis, Colonelli.* Δρουγγάριοι *inquit a Drunco ſive Baculo, ſive Sceptro magiſtratus inſigni, prorſus ut Aglari ab Agla dicunt: & alibi,* Δρουγγὸς *Druncus,* i. e. *Baculus Tribuni quem inſtar Sceptri gerit, Germanis, & Italis & Alijs, Baculus Regiminis. Nunquid a Truncus, unde nos hoc idem a Truncheon? Certe Græcis Inferioribus, uſitatius fuit, Magiſtratus* Σκῆπτρα ξύλινα δικάνικα ἤτοι δικανίκια ξύλινα, i. e. *Sceptra judicialia lignea ferre in indicium muneris & poteſtatis, quod etiam antique apud eoſdem deprehenditur, Herodo & Homero Teſtibus: de ipſo autem Magno Drungario claſſis expreſſe notat Codinus, quod ejus modi Sceptro non uſus eſt, licet alij Drungarij ſuis Sceptris inſignirentur; nec uſpiam apud Authorem iſtum* δρουγγὸν *reperio pro Sceptro ſeu Baculo judiciali, vel (ut Leunclavius loquitur) pro Baculo Regiminis, ut* Σκῆπτρον *penitus: præterea ſi nomen ab hujus modi Sceptro ſeu Baculo ortum fuiſſet, conveniret utiq; cæteris Magiſtratibus Sceptra ferentibus. Mihi autem videtur male vocem rimari in Oriente, at Saxonicam eſſe, & apud nos adhuc Superſtitem. Hodie enim* Throng *dicimus a Saxon* ðrungan, *pro conferta Multitudine; & appoſite rem expoſuit Vegetius, cum dixerit Drungos,* i. e. *Globos: Germanicumq; eſſe Vopiſcus intimat, dum vocabulo utitur de Germanis tractans, quorum Agmina Tacitus ſæpe Globos vocat. Chaucerus in Fab. Equitis Aurati, de Globo Militari loquens,*

> He through the Thickeſt of the Throng
> gan threke.

Et Coætaneus noſter Spencerus ad Cœtum Doctorum tranſferens:

> To Blaſe abroad among the Learned Throng.

And to this Great Duke, who was their Chief Admiral, they made ſubject all the *Drungars* of their Fleet, their Admirals, *Protocomites*, and the Great *Drungarius* (1) himſelf, before whom they alſo appointed the Emperor's Statue on Horſe-back (which they call'd *Conſus*) (2) to be carry'd at Sea. They had alſo their *Logotheta* (3), whom we at this Day call the Chancellor; their *Logoriaſtes*, whom the *French* call Comptroller; and their *Protoſtrator* (4) or Marſhal of their Army; their *Primicerios* (5) alſo, and *Primauguſtos*, and many others of that ſort I willingly paſs over, leſt in proſecuting every one, my Diſcourſe ſhould grow too long and tedious. Theſe were all honour-

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Sic Drungarius q. Drungi, i. e. Globi Militaris Præfectus. (Id. ibid.)

(6) The Great Duke] *Dux Magnus in Orientali Imperio, Princeps & Caput erat ad univerſum Mare, ut Magnus Domeſticus ad univerſum Foſſarum, i. e. ad rem Caſtrenſem Subjectos habuit; Magnum Drungarium Claſſis, Ameralium (qui univerſam Claſſem agebat) Protocomitem, Drungarios & Comites. Conto prætulit Imaginem Imperatoris equo elati: anterius in Palla ſtantis, ponè in Throno ſedentis. (Id. ib.)*

(7) *Egemon*] *Inter Ducum genera (occurrit enim Dux vocabulum apud Authores poſt adultum Imperium, haud altius) alias pro Rectore Provinciæ,* Ἡγεμὼν. *(Id. ib.)*

(1) Great

honourable Dignities, and for the moſt Part made not ſo much for the Neceſſity of their Offices or Order, as by the Favour and Good-liking of the Emperor.

But

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(1) Great *Drungarius*] *Magnus Drungarius ; qui & 'O Drungarius in ſuperiori imperio non exhibetur per totam notitiam. In inferiori clarus eſt Conſtantinopoli, & dupliciter, viz. Biglæ, & Claſſis.*

Magnus Drungarius Biglæ. Ὁ Μέγας δρουγγάριος τῆς Βίγλης *vigiliæ & excubiarum Præfectus erat (nam* Βίγλη *a Latina vigilia confictum, ut ſupra in Bigla) meruit in Caſtrenſi militia ſub Magno Domeſtico ; & ante pedem figebat foſſatum (loquor ſecundum Codinum) i. e. ante caſtra metebatur, ipſe abiens diuturnas conſtituit Vigilias, ut a Magno Domeſtico, cui parebat, præceptum eſt : Vigilatores de Officio ipſorum præmonet, noctéq; ſemel & iterum, ut remotior Hoſtis vel propinquior eſt, experitur eorundem ſolertiam. Sceptrum judiciale gerebat, poſt ſuperiorem Condylum (qui inauratus eſt, ut aliorum omnium) aureum & coccineum, accurate ornatum ad imum uſq;. De Majore ejus Juriſdictione videndus eſt Manuel Comnenus, Novella 2. Erat & vigilium Præfectus ob arcenda incendia ab Auguſto inſtitutus.*

Magnus Drungarius Claſſis, in re marina magno Ducis ſubjectus fuit. Præerat autem Ameralio, Proto-Comiti, Drungariis & Comitibus, hoc eſt Cohortium ſeu Bandorum (ut Leo ait) Præfectis : Muneris igitur illius Amplitudinem ex ſubditis ſuis intelligas, quorum omnium Adminiſtratio marina fuit : Ameralius enim (ut Codinus indicat) agit univerſam Claſſem. Proto-Comes omnium Comitum primus eſt, qui in Claſſe Imperatoria ſunt ; & Drungarius Primus eſt Thalaſſini. Drungas (item, Quantitas iſtorum Comitum) aliquot exponitur, cujus Principatus eſt Drungarius hujuſmodi ; Magni autem Drungarii adminiſtrationem ſuperius oſtendit eandem rationem habere ad Magnum Ducem, quam Magnus Drungarius

garius Biglæ ad Magnum Domeſticum. Ait Drungarium Sceptrum ſolum obtinere e Ligno Levi; alibi vero Magnum Druncarium Claſſis ἄνευ δικανικοῦ *ſine judiciali Sceptro eſſe. Notat Meurſius e Leone Naumach. navalem hanc Præfecturam, primitus fuiſſe, & poſtea ad militiam terreſtrem tranſlatam eſſe: Corrigendum etiam docet locum huc ſpectantem in Luitprandi Legatione. Drungaris enim, ſub cujus manu navium eſt Omnis Poteſtas, recedente ſancto Imperatore, curam tui aget; hodie editur, De longaris enim,* &c. (Id. ibid.)

(2) *Conſus*] *Neptunus Equeſtris, Conciliorum Deus, qui ideo Templum ſub tecto in Circo habebat, ut Oſtenderetur tectum debere eſſe concilium (Servius) ita dict. a Conſum,* i. e. *conditum, quod Ara ejus ſub terra conderetur, ſive quod Concilia abſcondita eſſe debeant; vel a Conſo,* i. e. *Conſulo, Conſo* τῷ μῦ Ἴσιδος, *ut fuerit idem qui Harpocrates ſive Sigalion Ægyptius; ſilentij Deus.*

Conſus is a certain Deity of the antient *Romans*, which they believ'd the God of Counſel. They built an Altar under the Ground, and call'd it alſo *Neptunus Equeſtris*, in whoſe Honour they celebrated Plays in the Month of *March*, which they call'd *Conſuales*, and were like thoſe of the *Circus*; it was during theſe Feaſts that *Romulus* and his Companions carry'd off the *Sabin* Virgins.

(3) *Logotheta*] This Word ſignifies a Perſon that is the Comptroller, or Inſpector of the Accounts: There were two Sorts of them in the *Gracian* Empire; one for the Emperor's Palace, the other for the Church. *Codinus* ſpeaking of the Office of the *Logotheta* of the Church of *Conſtantinople*, ſaith, that his Buſineſs was to ſet down in Writing all Matters appertaining to the People, or the Lords: In the Catalogue of the great Officers of the Church, it is ſaid, that the *Logotheta* keeps the Patriarch's Seal, and that he ſeals all that the Patriarch writes. And the ſame *Codin*, ſpeaking of the great *Logotheta*, ſaith, that his Buſineſs was to put in Order all the Imperial Diſpatches, and whatſoever ſtood in need of the *Bulla Aurea*, or the Emperor's great Seal: Wherefore *Nicetus* expounds the Word *Logotheta*, by that of Chancellor. *Logotheta* comes from the Word λόγος, which amongſt

other Things, ſignifies Accounts, and τίθημι, to put or ſet down in Order. (Collier's *Great Hiſt.* &c. *Dict.*)

(4) *Protoſtrator.*] *In Gr.* Πρωτοστράτωρ, according to the ſame ſignifieth him who marcheth fore-moſt before the Army.

(5) *Primicerios*] *Primicerius, qui primus ſcribitur in Cera*, i. e. *Albo, ſive Catalogo*; *h. e. qui primum obtinet locum inter eos, qui publico munere funguntur. Primus cujuſvis Ordinis. a Primus* & χεὶρ, i. e. *Poteſtas, qu. Primicherius*, a Maſter or Chief in any Office. A Principal Secretary, &c.

(1) *Turks.*]

But whilſt it ſeem'd ſo good to the Emperors to appoint the Seat of their Empire at *Conſtantinople* (where all things now lye ſwallow'd up of the *Turks*) (1), they left the *Weſt* bare of their Legions, and ſtrength'ned only with Forts undefended, and ſubject to the Invaſions and Fury of the barbarous Nations; upon the Fall and Decay whereof the Ruin of the *Eaſtern* Empire at length enſued alſo. *Italy* and *Africk* were at that time govern'd by their *Exarchi* (2), *Toparchi* (3), *Comarchi* (4), *Carthularij*, *Spatharij* (5), *Guſtaldi* (6), and *Catapani*: But afterwards, when *Narſes* the *Eunuch*, and one of the *Roman Patricij*, was by the Emperor *Juſtin* the 2d appointed Governor, he brought in thoſe whom they call *Conſulares* (7), *Præſi-*

des (8), and *Correctores* (9). But as ſoon as *Narſes*, provok'd with the Injuries and Affronts of *Sophia* the Empreſs (and with Anger enrag'd) had call'd in thither the *Lombards* (10) out of *Pannonia* (11), they became by little and little to vary concerning the Titles of Honour, and Names of Dignity,

For

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(1) *Turks.*] In *Latin Turcæ*, a People of *Aſia*, of whoſe Original Authors ſpeak differently; but it ſeems very probable that they are deſcended of thoſe *Scythians*, who dwelt between the *Euxine* and *Caſpian* Sea. The *Turkiſh* Empire is divided into Twenty Governments, whereof all but two have *Baſhaws* over them.

(2) *Exarchi*] *Principes eximij*; *Vicarij Imperatoris*, the Emperors Vice-Roys in *Italy*.

(3) *Toparchi*] *Locorum Præſides*; Lord-Lieutenants of Countries.

(4) *Comarchi*] *Vicorum Præfecti.* Earls, Governors of Towns, or Cities: Burgo-Maſters.

(5) *Spatharij,*)*Spatarius, Spatharius*] *ut Faber Spatarius, qui Spatas vel gladios facit* (Goldaſt *Cap.* 78.) *Faber Aurifex aut Spatarius, qui publice probati ſunt.* (Spelm. *Gloſs.*)

(6) Guſtaldi,) *Gaſtaldus, Gaſtaldius, Gaſtaldio, Guaſtaldus*] *Ital. Gaſtaldo & Guaſtaldo. Rerum Dominicarum apud Italos* (*præſertim Longobardos*) *Actor, Procurator, Adminiſtrator; alias villicus, Oeconomus, Major Domus, Seneſchallus, Ballivus, a Saxon* Ᵹaꞅꞇ, i. e. *Hoſpes, &* halꝺean, *Cuſtodire, quaſi Cuſtos Hoſpitum, vel a* Ᵹaꞅꞇ *& Aldius ſeu Aldius h. Famulus, q. Hoſpitum famulus, vel*

qui Hoſpitum curam gerit. Curator Hoſpitij. Apud Miſnios enim (ut refert Amerpachius) Gaſt etiam ſignificat ipſum Hoſpitium, atq; inde Gaſtgeber, Hoſpitij Datorem; Transfertur autem ad curatorem rerum externarum, puta villæ, Prædiorum & hujus modi. (Gloſs. *ad Cauſ.* 1. *q.* 3. *cap.* 8. Gaſtaldum) *qui habet curam externarum rerum, qui dicitur alias Major domus* 89. *diſtinct. volumus, at in ea diſtinct: Hoſpitum Cura refertur ad vice dominum, non ad majorem domus. Villicus etiam Italice redditur; Guaſtaldo. Hiſpan. Mayor domo vel campo. Munus Guſtaldij ex eo intelligitur quod extat Longob. Lib.* 1. *Tit.* 34. *L.* 1. *Siquis Guſtaldus aut Actor Regis, curtem Regis habens ad gubernandam, ex ipſa curte alicui ſine juſſione Regis Caſam tributariam, terram, Sylvam, vites vel pratum auſus fuerit donare, aut ſi amplius quam juſſio Regis fuerit dare, præſumpſerit; vel ſi quærere neglexerit, quod ablatum eſt: Omne - - - in duplum octogilt comeponat.*

Muneri adjungebantur Coercio & jurisdictio. Longob. Lib. Tit. 12. *L.* 2. *Siquis ſepulturam hominis Mortui ruperit - - - tunc Guſtaldius Regis aut Sculdaſius, requirat Culpam ipſam, & ad curtem Regis exigat. Tit.* 1. *L.* 3. *Si Dux exercitalem ſuum, moleſtaverit injuſte Guſtaldius eum ſolatiet, dumuſq; ad Præſentiam Regis aut certe apud ſuum Judicem eum ad Juſtitiam perducat: & contra L.* 5. *Si Guſtaldius exercitalem ſuum contra rationem moleſtaverit, Dux eum ſolatiet quouſq; veritatem ſuam inveniet. Guſtaldo etiam nonnunquam licuit de ancilla fornicante judicare, & in puellam liberam ſervo nubentem animadvertere, ut Lib. eodem. Tit.* 31. *L.* 1. *& Lib.* 2. *Tit.* 9. *L.* 2. *Adde quod Pipinus Imp. ſanxit. Longob. Lib.* 2. *Tit* 52. *L.* 14. *De univerſali quidem populo qui ubicunq; juſticiam quæſierint ſuſcipiat, tam a Comitibus ſuis quam etiam a Gaſtaldijs, ſeu Sculdaſijs, vel loci præpoſitis, juxta ipſorum legem ſine tarditate.*

Statuit Rex Rotharis ut ſi Gaſtaldius aut qui libet Actor Regis poſt ſuſceptas ad Gubernandum Curtes aut Caſas Regis, aliquid per Garathina (i. e. *per donationem) ab aliquo quocunq; factum, conquiſierit (non confirmante Rege) hoc totum Regi acquireret; nec ab ipſo aut Heredibus ejus unquam vindicandum eſſe. Sed admit legis hujus rigorem Hlotatius Imp. ut videas Longob. Lib.* 2. *Tit.* 17. *L.* 1, 2.

Gaſtaldius Civitatis ſeu Provinciæ; ſpectare videntur præcipue quæ paulo jam ſupra diximus ad aliud Gaſtaldij genus; nimirum Civitatum, ſeu Provinciarum; & hic idem eſſe Longobardis, qui alijs Graphio & Præpoſitus; nobiſcum vice comes appellatur, Sigonius tanquam ipſum Comitem ponit: Sic enim de Regno Ital. Lib. 2. in An. 667. poſt Biennium Alzeco Dux Bulgariorum cum popularibus ſuis pacato in Italiam Agmine venit, agrumq; a Grimoaldo ſibi, & ſuis adincolendum poſtulavit; ejus Petitioni Grimoaldus obſecutus, in Ducatum eos Beneventanum tranſmiſit, atq; oppida Sepiam, Bonianum & Æſerriam, tum deſerta, a Filio juſſit concedi, eorumq, Gaſtaldium ſive comitem appellari. De hoc ipſo Paulus Diacon. Hiſt. Longob. Lib. 5. Cap. 29. Alzeconem mutato Dignitatis nomine, de Duce Gaſtaldium vocitari præcepit. Civitatum & Provinciarum Gaſtaldios etiam innuit Carolus M. in Capitull, additis ad L. Longob. Carolus, &c. Ducibus, Comitibus, Gaſtaldiis, ſeu Cunctis per Provincias Italiæ ---- Præpoſitis. & Ludovicus Imp. in Diplom. Patavinæ eccleſiæ apud Sigon. de Regn. Ital. Lib. 5. in An. 899. ---- *Cavemus ne quis comes, Gaſtaldius vel judex, ſeu quilibet Reipub. Miniſter, vel quiſpiam ex Judici- ----- poſſeſſiones memoratæ eccleſiæ ---- ingredi audeat,* &c.

Gaſtaldia, al. Caſtaldia: Munus Gaſtaldij.

Gaſtaldij Feudum; illud eſt quod Gaſtaldio, ſeu Actori Curtio, aut Prædiorum, datur Officij exequendi gratia. (Id. ibid.)

(7) *Conſularis*] A Preſident of a Province; alſo the Emperor's Lieutenant who had the Conduct of an Army.

(8) *Præſes*] Ἔφορος. ἡγεμών. Προστάτης. *qui Præſidet.*

(9) *Corrector*] A Governor or Ruler; a Comptroller.

(10) *Lombards,*] or *Longobards; Longobardi, ſic a longa Barba quam gerebant dicti* (Iſidore) *vel dicti, quaſi Lingobardi (ſic enim a Pontico nominantur) eo quod Lingones, Populi Germaniæ, & Bardi, Galliæ Populi, facta unione Gentem unam, & nomen unum admiſcuerunt,*

cum

For *Narſes* being dead, *Longinus* (one of the *Roman Patricij* alſo) by the ſame Emperor choſen

Governor,

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cum tempore Juſtiniani ad utramq; Padi Ripam ſedem fixerunt. They inhabit the upper Part of *Italy*; and are a People much addicted to Uſury. *Verſtegan*'s Opinion of the *Lombards* is this, *viz.* The *Longobards* took their Name of wearing of *long Beards*, (tho' ſome with little Reaſon do think it otherwiſe); and albeit, it were the Cuſtom of the Province from whence they came, and might be us'd alſo of ſome other *Germans*, yet was it not the Faſhion in *Italy*, where they ſeated themſelves, and where therefore they had this Name more peculiarly given them, and where the Country doth yet retain the Name of her long-bearded Inhabitants, tho' wrong Pronunciation have had ſome Stroke in the Matter, and from *Longobardia* hath vulgarly turn'd it to *Lombardi*.

(11) *Pannonia*, a large Country of *Europe*, now call'd *Hungary*, divided into Two Parts, the Upper and the Lower; the firſt alſo call'd *Prima-Conſularis* was to the *Weſt*, which is now call'd *Stiria*, *Carniola*, *Croatia*, *Carinthia*, *Windiſh-March*, and the greateſt Part of *Auſtria*. The Lower, call'd *Secunda Conſularis*, was to the *Eaſt*, and contain'd *Boſnia*, *Sclavonia*, and that Part of *Hungary* which is included between the *Danube*, the *Raab*, and the *Drave*. This Country hath many great Towns, as *Presburgh*, *Rab. Comara*, *Tokay*, &c. belonging to the Emperor; *Buda*, *Newhauſel*, *Belgrade* (but this was beſieg'd and taken by the Emperor's Army, commanded by the Ever-victorious General Prince *Eugene* of *Savoy*, in the Year 1717, *&c.*) under the *Turk*. The *Pannonians* were a Celtick Nation, whom *Tiberius* made Tributary to the Empire, tho' *Julius Cæſar* was the firſt that enter'd into that Country, which was afterwards poſſeſs'd by the *Huns*, *Goths*, and other *Barbarians*. There were beſides, *Pannonia Riparia*, wherein is now Part of *Sclavonia*, and *Boſnia*, and *Pannonia Valeria*, that makes Part of *Stiria*.

(1) *Guic-*

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Governor, or *Exarch*, in his ſtead in *Italy*, for the repreſſing of the *Lombards*, but a little before call'd forth by *Narſes*, and even now about to come, created Dukes throughout the Provinces (in Imitation probably of *Conſtantine* the Emperor, who is reported to have provided by Law, that Countries and Towns ſhould be aſſign'd to Dukes, Earls, and old Captains, who having long ſerv'd, were to be rewarded for their paſt good Services) and to this Purpoſe tend the Words of *Guicciardin* (1) himſelf, which I have thought good hereunto alſo to adjoin.

'By the Tranſlation of the Empire to *Con-*
'*ſtantinople*, ſaith he, a Way was open'd to the
'Power of the *Roman* Biſhops; for the Autho-
'rity of the Emperors daily more and more
'weaken'd, and decreaſing in *Italy* (both by
'their continual Abſence, as alſo for that they
'were ſtill buſied with Wars in the *Eaſt*) the
'People alſo by little and little revolting from
'them, and the City of *Rome* it ſelf being at
'length oftentimes by the *Goths* (2), and *Van-*
'*dals* (3) taken and ſack'd, began to decay
'and vaniſh away: But the barbarous People
'being afterwards driven out of *Italy* again by
'the Power of the Emperors, the Government
'began again to be managed by great Magi-
'ſtrates

‘ ſtrates (of whom he, who commanded over the reſt as Chief, was call'd *Hexarchus*, and had his Seat at *Ravenna*) (4) who appointed Governors over the reſt of the Cities of *Italy*; which Governors they call'd Dukes. From hence came the Name of *Hexarchatſhip* of *Ravenna*, wherein all Places were comprehended which had not Dukes of their own, but were under the Command of one *Hexarchus*:’ (For according to *Potter*'s *Grecian* Hiſtory (5) towards the Declenſion of the *Roman* Greatneſs, the Chief Magiſtrate of *Athens* was call'd Στρατηγὸς (6), *i.e.* Duke; but *Conſtantine* the Great, beſides many other Privileges granted to the City, honour'd him with the Title of Μέγας Στρατηγὸς, or Grand-Duke.

Not

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(1) *Guicciardin (Francis)* a Citizen of *Florence*, in great Favour with *Leo* 10th, *Adrian* 6th, and *Clement* the 7th. *Alexander-de-Medicis* Duke of *Florence* choſe him for a Counſellor of State (approv'd by all learned Men) and died 1540: This is our *Guicciardin.* There was another *(Lewis)* Nephew to ours, who writ an exact Hiſtory of the *Low-Countries*, tranſlated into *French* by *Bellefont*, and into *Latin* by *Brantius*, &c. He died in 1589.

(2) *Goths.*] *Gothi*, Γότθοι, *Steph. Gothini*, *Tac. Guttones.* Plin. *a Germ. gut*, *bonus.* People of the lower *Scythia*, the *Northern* Part of *Europe*, who waſted and depopulated a great Part thereof. They firſt came into *Germany*, where were ſlain an 100000, *ante Chr.* 314. And long after

ter they brought into ſubjection and barbariſm a great Part of the Chriſtian World, and inhabited a Part of *Spain*, *France*, *Italy*, &c. *Verſtegan* (in his Reſtitution of decay'd Intelligence) ſaith, The *Goths*, being Members of the *German* Nation, were ſo call'd of the Country they dwell'd in, which lying on the *South* Part of the Kingdom of *Suevia*, and being better and more fertil than all the other Countries that lye *North* from it, was therefore call'd *Gotland*, which is to ſay good Land.

(3) *Vandals.*] *Vandali*, People of *Germany* about *Mecklenburgh*, on the Coaſt of the *Baltick* Sea; from whom alſo the *Beltick Spain* call'd *Vandalitia*, or as now, *Andaluſia* had its Name. The *Vandals* (which according to *Verſtegan*) ſhould rather be written *Wandales* (but that the *Latin* lacking the double (VV) uſe the ſingle (V) inſtead thereof) have gotten that Name by their much wandring from Place to Place, and not after *Vandalus* the VIIIth King of *Germany*, nor of a Queen call'd *Wandala*: *Wandel* in the *Teutonick* is the ſame that *wander* is in *Engliſh*, and a fit Name for a People eaſily to purchaſe to themſelves, that *wandeled* or wandred about the World, as this People did, and in likelyhood accuſtom'd to fleet from Place to Place in *Germany* it ſelf, before they wandred from thence to other foreign Parts of the World. (*Reſtitution of decay'd Intelligence.*)

(4) *Ravenna*] An antient City of *Italy* in *Romania*, with the Title of an Arch-Biſhop's See, belonging to the See of *Rome*; it ſtands on a marſhy Ground, 45 Miles from *Bononia* in the *Eaſt*, 30 from *Rimini*, and 42 from *Ferrara*, near the Shoars of the *Adriatick* Sea, upon which it had a great Harbour, and was the Station of *Auguſtus*'s Fleet on the *Adriatick* Sea; in the Declenſion of the *Roman* Empire the Emperor *Honorius* kept his Reſidence in it, and fortified it with a double Wall. The Authors of the *Roman* Hiſtories make frequent mention of it. *Ravenna* was the Reſidence of *Theodoricus* King of the *Goths*, and ſince of the *Exarch*'s or Vice-Roys, which the Emperors of *Conſtantinople* ſent into *Italy*: *Longinus* was the firſt ſent thither by *Juſtin* about 567, or 568, &c. *Ravenna* is not ſo conſiderable at this Day as it hath been

in Times paſt: It has one Gate of Marble, which the People call the golden or beautiful Gate. Its Principal Church is ſupported by four rows of Marble Pillars. Its Port hath ſometimes ſerv'd for a Retreat to the *Roman* Navy. In the Church of St. *Mary de la Rotunda*, which was built about 757, without the Town of *Pavenna*, after it was freed from the Dominion of the *Lombards*: The middle or concluding Part of the Top of the Dome is one entire Stone 10 Foot broad, and 200000 weight, which renders this Church very famous, there being ſcarce any thing elſe remarkable. (*Herman Moll.*)

(5) Vol. I. Cap. 7. p. 27.

(6) Στρατηγὸς.] *Inter diverſa Ducum Genera (quæ poſt adultum Imperium occurrunt) alias pro præfecto exercitus, qui Græcis* Στρατηγὸς. (Spelm. *Gloſs.*)

(2) *Pice-*

Not long after a notable Change and Alteration of Matters enſued from the *Lombards*; for they a moſt fierce and cruel People entring into *Italy*, poſſeſs'd the Country call'd *Gallia Ciſalpina*, of whom it hath alſo taken the Name of *Lombardy*. They added alſo to their Government *Ravenna*, with all the *Hexarchatſhip* thereof, beſides many other Parts of *Italy*, extending their Arms as far as *Picenum* (1), *Spoletum* (2), and *Beneventum* (3), over which they appointed Governours to rule and command, whom they call'd Dukes, *&c.* So the *Lombards* ravaging and roaming far Abroad in *Italy*, at length with thirty of their Dukes in vain attempted to have taken the City of *Rome.* And thus according to the Manner of Wars, it came to paſs, that the Titles of the Dignities of the former Empire being neglected, all things began to be govern'd by the Generals and Commanders of the Armies, *viz.* by ſuch as they call'd Dukes, Earls, and Princes.

Theſe,

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(1) *Picenum*] A Country in *Italy*, now call'd *La Marca di Ancona* in the Territories of his Un-Holineſs, a Province both large and fruitful, and one of the chief of the Demeſne of the *Roman* See. The Principal Towns are, *viz.* *Aſcali*, *Ancona*, *Oſimo*, &c. *inde Populi Piceni*, *Picentini & Picentes*, *a Pici Martij Nomine.* *Picenum*, *a Pica dict. quæ vexillo Sabinorum*, *quum Aſculum Proficiſcerentur*, *inſedit.* Theſe People were ſubdued by the *Romans* about the 480th Year after the Building of their City.

(2) *Spoletum*] Now call'd *Spoleto*, or *Spolete*, is a City in the Territories of *Rom.* Anti-Chriſt in *Italy*; and a Biſhop's See, immediately under him. It ſtands in the Province of *Umbria* or *Ombria* (a large Country on both ſides the *Appennine*) and gives Title to a Duke. The Places of Note in this Dutchy beſides *Spoleto*, are, *viz.* *Eugubio*, *Nocera*, *Aliſe*, and *Todi.*

(3) *Beneventum*] *Benevento*, *Benevent*, which ſome Place in the Country of the *Hirpins*, and others in that of the *Samnites*, is a Town of *Italy*, in the Kingdom of *Naples*, bearing the Title of a Dutchy and Arch-Biſhoprick. It is ſcituated upon the Rivers of *Sabato* and *Calore*, in a fertile Country, giving its Name to a Valley. The Popes are Maſters of it, and it is thought to have been built by *Diomedes*, and then call'd *Maleventum*, as *Pliny* and *Livy* inform us; but the *Romans* having ſince ſent a Colony thither,

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thither, this Name was chang'd (*boni ominis gratia*) into *Beneventum*, which it hath retain'd ever ſince. It was one of the 18 Colonies which aſſiſted the *Romans* with Men and Money againſt *Hannibal*, who had waſted the Country even to the Walls of *Rome*. This City was ruin'd by *Totila* about the Year 545, but repair'd afterwards by the *Lombards*, who erected it into a Dutchy, the Dukes whereof have been pretty Famous. It hath been ſubject to the See of *Rome* ever ſince the Year 1071.

(1) *Charles*]

Theſe People *Charles* the Great (1), Son of *Pepin* King of *France*, by the *Romans* call'd into *Italy*, having taken *Ticinum* (2), the Metropolitan City of the *Inſubres* (3), and there ſlain *Deſiderius* (of a Conſtable promoted to be King of *Italy*) overcame and ſubdu'd; and was forthwith, by the general Conſent of all Men, choſen Emperor of the Weſt Empire; who, as he would have the Empire it ſelf call'd the *French Roman* Empire, ſo had he a Deſign, even in the Beginning thereof, to make it Hereditary, and made the great Men, and thoſe who were with Honourable Titles grac'd, altogether free; binding them by Oath, as Men holding in Fee (4) only of the King, and of the Emperor. So that if by chance they ſhould recede from their Faith and Allegiance (5), or die without Iſſue, he then ordain'd thoſe their Dignities to be tranſferr'd ferr'd to others: And this Ordinance was called *Inveſtitura* (5), or an Inveſtiture (5). The

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(1) *Charles,*] *Lat. Carolus, Kerl. Scal. Carl Priſca vox eſt, qua Robuſti forteſq; Viri deſignabantur. Aliqu.* Κῆρ ὅλος, *totus Cordatus,* the Names of divers Kings and Princes; one whereof ſur-nam'd the Great, and commonly call'd *Charlemaine,* Son of *Pepin,* call'd the Short or Little, was born about the Year 742. or as others will have it 747, at the Caſtle of *Ingelheim* near *Mayence,* and crown'd at *Noyon* in 768, after the Death of his Father, firſt King of *France,* and afterwards Emperor of the *Romans* in 800. He overthrew the *Huns, Saxons, Bavarians,* and *Lombards,* with many other notable Victories which he archiev'd. He took the Name of *Cæſar* and *Auguſtus,* the two firſt Emperors of *Rome,* with the Spread and Two-Headed Eagle to make the *Roman* and *German* Empire, which he then poſſeſs'd in great Part, after having extended the Limits of his Dominions by his continu'd Victories for 47 Years together. He Founded the Univerſity of *Paris,* and did many other Works of Piety; and, in ſhort, he was a moſt excellent Prince both in Peace and War, had he not too much ſtoop'd to the Sea of *Rome,* of which he firſt got the Title of Moſt Chriſtian King. He dy'd at *Aix la Chapelle,* the 28th of *Jan.* 814, at the Age of 72 Years, having been King of *France* 45 Years, 4 Months, and 22 Days, King of *Italy* 41, and Emperor 13 Years, 1 Month, and ſome Days. He had four Wives, *viz. Hermengarde,* Daughter of *Deſiderius,* King of the *Lombards,* whom he put away the 2d Year of his Reign. *Hildegarde, Faſtarde,* and *Ludgarde.* He had four Sons and five Daughters by *Hildegarde,* his 2d Wife. The Sons were, *Charles, Pepin, Lewis* the *Debonaire,* and *Lotharius*; theſe laſt were Twins. *Lotharius* dy'd young; *Charles,* King of Eaſtern *France,* or *Auſtraſia,* in 811; and *Pepin* dy'd in 810, ſo that *Lewis* inherited all. The Daughters dy'd all young, except one, who

liv'd to be marry'd to the Count of *Angilbert*, who was afterwards Abbot of St. *Riquier*.

(2) *Ticinum*] *Pavia*, upon the River *Teſino*, the Capital of the Country call'd the *Paveſe* in *Italy*, united by the Viſcounts of *Milan* to their Dominions, and is the 2d City in the *Milaneze*.

(3) *Inſubres*] *Populi Galliæ Trans-Padanæ. Inſubria*, the Country of that People, call'd the State of *Milan*.

(4) *Fee*] This was the Original of holding in Fee. As to the Word Fee it ſelf, take what the great *Selden* and *Cowel* (the one in his *Titles of Honour*, the other in his *Law-Interpreter*) ſay of it. Feuds, or *Feuda* (being the ſame in our Laws we call Tenancies, or Lands held, and *Feuda* alſo, which is but the ſame Word in our *Foeda Militaria*) are (according to *Selden*'s Deſcription of them) Poſſeſſions ſo given and held, that the Poſſeſſor is bound by Homage, or Fealty, to do Service to him (or thoſe who derive under him) from whom they were given. And the Services that are to be perform'd by the Tenants of theſe Lands are various. And frequently Rents, as well as other Service, are due out of them to the Lords of whom they are held. But altho' *Feudum*, or Feud, be taken to interpret the very Word *Beneficium*, and of it ſelf originally to ſignify no more, yet that which really gives it the Nature and Notion that is now fix'd on it, is the Bond of Homage, or Fealty, between the Lord and the Tenant, (*vid. Cujac. Obſervat. Lib.* 8. *Cap.* 14. *Præter eos qui ex profeſſo de Feudis Volumina ſcribunt, vid. Bodin. de Repub. Lib.* 1. *Cap.* 9.) for without that Bond no Poſſeſſion (tho' it pay Rent, or other Satisfaction, upon any Contract, either Cenſual, Emphyteuticary, or the like) can be a Feud. Whence this Uſe, to give Lands by ſuch a Right, originally came, is much diſputed: Some fetch it from the Antient Right of Patrons and Clients in *Rome*. But there was only a kind of Bond between them, but no Poſſeſſion held by that Bond. Others derive it from the *Roman* Deduction of Military Colonies into ſubdu'd Countries, ſo the better to preſerve what was won to the Empire. Others otherwiſe. But

among the *Romans*, I ſee not any Thing ſo near the juſt Nature of Feuds, as thoſe Poſſeſſions which were given to ſuch as were their *Duces Limitanei*, or Dukes of Frontiers in the Empire, and to others that ſpent their Time with them in Defence of thoſe Frontiers, to be held only under Military Service: And of thoſe we find expreſs mention under *Alexander Severus*. He (ſaith *Lampridius*, *circa Ann. Chriſti* 220.) gave ſuch Territories, as were gain'd in the Frontiers, *Limitaneis Ducibus & Militibus, ita ut eorum ita eſſent ſi Hæredes illorum militarent, nec unquam ad privatos pertinerent; dicens, attentius eos militaturos, ſi etiam ſua Rura defenderent.* Here we ſee Lands given to be poſſeſs'd to them and their Heirs, under the Tenure of Military Service to be perform'd by them. So *Probus* gave much Land in *Iſaurica* to his old Soldiers, as *Vopiſcus* ſaith. And of this kind were the *Agri Militibus aſſignati* mention'd by *Ulpian*. Some other like Examples are: And ſo to the Time of *Alexander Severus*, an Original, or ſome Uſe of Feuds in the Empire may be well referr'd; as alſo a kind of joyning them with the Title of *Dux*, but not of the making of that Title Feudal or Perpetual, as annex'd to the Feud given. For I conceive not that the *Duces* themſelves kept their Offices or Names the longer by reaſon of their Feuds, much leſs tranſmitted it to their Heirs; only the Feuds were given as Rewards to Them and their Heirs, under the Tenure by Military Service, which continu'd after the Name and Office ended: It is very likely alſo, that the ſame Courſe was in the following Times us'd as well to Counts as Dukes (being to this Purpoſe of the ſelf-ſame Nature) in their ſeveral Frontiers committed to them: But the annexing of thoſe Dignities to Feuds, and ſo making them alſo Feudal, is of another Original. Nor was the Uſe of making them Feudal in the Empire, antienter than the Tranſlation of it to *France*. The Uſe of Feuds alſo was very frequent among thoſe Northern Nations, which over-ran the moſt of all *Europe*, about the Time of the declining Empire: And the Power and Glory of their Princes conſiſting in the Multitude of ſuch as were devoted to Live and Die with them, the Bond of ſuch Devotion was made chiefly by ſuch Gifts of Poſſeſſions as created a Feudal Right between the Gi-

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ver and the Poſſeſſor, confirm'd alſo by an Oath of the Poſſeſſor's Part, which bound him both to be Faithful to the Giver, and alſo Aſſiſtant to him. And there is a plain Taſte, both of the Frequency and Antiquity of Feuds among thoſe Northern Nations, in that of the *Cimbri*, (which is the moſt comprehenſive Name of them) when being precluded out of *Spain* and *Gaul*, they petition'd the State of *Rome*, that they might have Land given them to be held of the State by Military Service, as if ſuch kind of Gifts had been ordinary among the Princes of their Countries. And altho' there were ſome Uſe of Feuds in the Empire, before the Incurſions of thoſe Northern Nations, in the declining Times, yet we may more fitly attribute the Original of the common Uſe of Feuds, thro' all the Weſtern and Southern Parts of *Europe*, to thoſe Nations; and to them alſo the firſt Annexing of Feuds to the Dignities of *Dux* and *Comes* is juſtly referr'd: For thoſe Dignities, as they were Officiary, they found in all or moſt of the Provinces where the *Romans* had been, and they annext them to Feuds, and ſo us'd thoſe *Roman* Names, as they did otherwiſe the Language of *Rome*, in their Charters, Laws, and ſuch like, tho' not without much Abuſe and Spoil of the Neatneſs of it. But the *Lombards* of *Italy* being a great Part of thoſe Nations, and in their own Nature being chiefly Warlike (when they found thoſe two Titles in uſe, and that the Power joyn'd to both was frequently equal, and that the Title of *Comes*, as it had Relation to the Court, and when it was of the firſt Rank, was better than *Dux*, and that yet *Dux* was the more expreſſing Title of a Governor that had Garriſons with him) ſo preferr'd the Name of *Dux*, that their chiefeſt Dignity, thus given in their Kingdom in Feudal Right, was *Dux*; and that of *Comes* was at firſt left not only inferior, but often alſo ſubordinate to it, and given to the Judges and Civil Governors of Cities or ſmall Territories, that were Part either of Dutchies or other Provinces of their Kingdom. And the firſt joyning of the Title of *Dux* with a Feud, and ſo making it Perpetual (being before Temporary, or at Will only) was in that of *Alboinus*, the firſt King of the *Lombards*, his making *Friuli*, and the Province about it, a Dutchy, and giving it to *Giſulfe* his Nephew. And thus, under him

and

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and his Succeſſors, before *Charles* the Great, began alſo the Dutchies of *Spoleto*, *Tuſcany*, and *Benevento*, and others in *Italy*. And as ſoon as the *Lombards* had gotten the Territory of the *Heparchate* of *Ravenna*, it was erected into a Feudal Dutchy by King *Luitprand:* And as the *Lombards* in *Italy*, choſe *Dux* rather than *Comes* for their higheſt Title under the King, ſo in ſome Parts of *France*, of *Germany*, and of other Countries alſo (where thoſe *Northern* Nations planting themſelves, had found the Provincial Names of *Dux* and *Comes*, as they denoted Governors of Provinces) *Comes*, being apprehended to be every way, at leaſt as honourable a Title as *Dux* (it was indeed greater in the old Empire) was retain'd alſo, among ſuch as were ſubordinate, as a Title of higheſt Dignity, and ſo annex'd to *Feuds*, as *Dux* in *Italy*. And oftentimes both that and *Dux* were taken for ſo much the ſame, that there was no difference of their Dignities deſign'd by them. Theſe Names thus taken into uſe among thoſe *Northern* Nations, and joyn'd with *Feuds* in the Countries of *France*, *Italy*, *Germany*, and elſewhere in that, which hath been ſince, the *Weſtern* Empire, continu'd ſo in them until *Charles* the Great, who being King of all thoſe Parts, was made Emperor, and retain'd the former Uſe in them. And ſo came theſe Dignities to be firſt Feudal in the Empire. (*Tit. Hon.* Part the 2d, Chap. the 1ſt, Pag. 273, 274, 275, 276. Sect. 23d.)

Cowel's Deſcription or Definition of the Word Fee is this, *viz.* Fee, *Feudum, vel Feodum*, cometh (ſaith he) of the *French* Word *Fief*, i. e. *Predium Beneficiarium, vel Res Clientelaris*, and is us'd in our Common Law to ſignifie divers Things: As Firſt, All thoſe Lands which we hold by Perpetual Right, as *Hotman* well noteth *Verbo Fedum, de Verbis Feudalibus.* Our antient Lawyers have not expreſs'd what they fully meant by it, but only ſay, that by this Name go all Lands and Tenements that are held by any acknowledgement of Superiority to an higher Lord. They that write of this Subject, divide all Lands and Tenements where a Man hath a perpetual Eſtate to him and his Heirs, *&c.* into *Allodium* and *Feudum*; *Allodium* they define to be every Man's own Land, *&c.* which he poſſeſſeth merely in his own Right, without acknowledgement of any Service, or Payment of any

Rent to another; and this is a Property in the higheſt Degree. Second, *Feudum* is that which we hold by the Benefit of another; and in the Name whereof we owe Service, or pay Rent, or both to a ſuperiour Lord: And all our Lands here in *England* (the Crown Lands being in the King's own Hands in the Right of the Crown only excepted) is in the Nature of *Feudum* or Fee. For tho' many have Lands by deſcent from their Anceſtors, and others have dearly purchas'd Land with their Money; yet is the Land of ſuch a Nature, that it cannot come to any either by Deſcent or Purchaſe, but with the Burden that was laid upon him, who had Novel Fee, or firſt of all receiv'd it as a Benefit from his Lord to him, and to all ſuch, to whom it might deſcend, or any way be convey'd from him. So that in Truth no Man hath *directum Dominium*, the very Property or Demain in any Land, but only the Prince in the Right of his Crown. (*Cambd. Brit.*) For tho' he that hath Fee, hath *jus Perpetuum & utile Dominium*, yet he oweth a Duty for it, and therefore it is not Simply his own; which Thing, I take thoſe Words, that we uſe for the expreſſing of our deepeſt Rights in any Lands or Tenements to import: For he that can ſay moſt of his Eſtate, ſays thus; I am ſeiz'd of this or that Land or Tenement in my Demain as of Fee, *Seiſitus inde in Dominio meo ut de Feudo*, and that is as much as if he had ſaid, It is my Demean or proper Land after a Sort, becauſe it is to me and my Heirs for ever: yet not Simply mine, becauſe I hold it in the Nature of a Benefit from another. Yet the Statute of 37, *H.* 8. Cap. 16, uſeth theſe Words of Lands inveſted in the Crown; but it proceedeth from the not knowing the Nature of this Word Fee; for Fee cannot be without Fealty ſworn to a Superior, as you may read at large in thoſe that write *de Feudis*, and in particular *Hotoman*, both in his Commentaries and Diſputations. - - - - And Note, That Land, *&c.* with us is term'd Fee in two Reſpects, One as it belongeth to us and our Heirs for ever, the other, as it holdeth of another. - - - - *Fritton* (Cap. 23.) defineth it thus; Fee is a Right conſiſting in the Perſon of the true Heir, or of ſome other that by juſt Title hath purchas'd it. - - - - *Fleta* ſaith (Lib. 5. Cap. 5. Sect. *Feodum autem*) *Feudum eſt quod quis tenet ex quacunq; cauſa ſibi & Hæredibus ſuis, ſive ſit Tenementum,* *ſive reditus qui non proveniunt Camera, & alio modo dicitur Feudum, ſicut ejus qui feoffant, & quod quis tenet ab alio, ſicut dicitur talis tenet de tali tot Feuda per ſervitium militare.* - - - - And all that write *de Feudis*, hold, that *Feudatarius* hath not an entire Property in his Fee.— But the Definition of Sir *Henry Spelman* is moſt intelligible; a Feud is a Right which the Vaſſal hath in Land or ſome immoveable Thing of his Lords, to uſe the ſame, and take the Profits thereof Hereditarily, rendring unto his Lord ſuch Feudal Duties and Services as belong to Military Tenure, the mere Propriety of the Soil always remaining to the Lord. (Spelman *of Feuds*, Cap. 1.) The Diviſions of Fee in divers Reſpects are many and worthy to be known; but we divide them only into Fee Abſolute, otherwiſe term'd Fee Simple; and Fee Conditional, otherwiſe call'd Fee-Tail. Fee Simple, *Feodum Simplex*, is that of which we are ſeiz'd in theſe general Words, To us and our Heirs for ever. Fee-Tail, *Feodum taliatum*, is that whereof we are ſeiz'd to us and our Heirs with Limitation, *i. e.* the Heirs of our Body, *&c.*— And this Fee-Tail is either General or Special; General is, where Land is given to a Man and the Heirs of his Body; the Reaſon whereof is given by *Littleton* (Lib 1. Cap. 2.) Becauſe a Man ſeiz'd by ſuch a Gift, if he marry one or more Wives, and have no Iſſue by them, and at length marry another, by whom he hath Iſſue; this Iſſue ſhall inherit the Land— Special-Tail is that, where a Man and his Wife be ſeiz'd of Lands to them and the Heirs of their two Bodies; the Reaſon is given likewiſe by *Littleton* in the ſame Place, becauſe in this Caſe the Wife dying without Iſſue, and he marrying another, by whom he hath Iſſue, this Iſſue cannot inherit the Land, being Specially given to ſuch Heirs, *&c.* This Fee-Tail hath the Original from the Statute of *Weſtm.* Cap. 1. made 13. *Ed.* I. Yet ſee *Bracton*, Lib. 2. Cap. 5. Num. 3. *in his Verbis, Item quædam abſoluta & larga, & quædam ſtricta & coarctata ſunt certis Hæredibus*; for before that Statute, all Land given to a Man and his Heirs, either General or Special, was accounted in the Nature of a Fee, and therefore held to be ſo firmly in him, to whom it was given, that any Limitation, notwithſtanding he might Alien and Sell it at his Pleaſure, much like that which the *Civilians* call *Nudum Præceptum*

tum, binding rather by Counſel and Advice, than Compulſion or Reſtraint. But this ſeeming unreaſonable to the Wiſdom of our Realm, that a Man meaning well to this or that Poſterity of himſelf, or his Friends, might be forthwith deceiv'd of his Intention; the ſaid Statute was made for Redreſs of that Inconvenience, whereby it is ordain'd, That if a Man give Lands in Fee, limiting the Heir to whom it ſhall deſcend, with a Reverſion to himſelf or his Heirs for default, *&c.* that the Form and true Meaning of his Gift ſhall be obſerv'd: He then that hath Fee, holdeth of another by ſome Duty or another, which is call'd Service, and of this Service, and the diverſity thereof, ſee the two Heads, *Chivalry*, and *Service*, in this Book.--- Secondly, This Word Fee is ſometimes us'd with us for the Compaſs or Circuit of a Manor or Lordſhip. (*Bracton*, Lib. 2. Cap. 5.) *In eadem villa & de eodem Feudo.* ---- Thirdly, it is us'd for a perpetual Right incorporeal, as to have the keeping of Priſons in Fee.--- Laſtly, It is taken for a Reward or Wages given to one for the Execution of his Office, as the Fee of a Foreſter, of a Keeper of a Park, or of a Sheriff for ſerving an Execution, limited by 20. *Eliz.* Cap. 4. And alſo for that Conſideration given a Serjeant at Law or Counſellor, or a Phyſitian, for their Counſel and Advice in their Profeſſion; which, as 'tis well obſerv'd by Sir *John Davis*, in his Preface to his Reports, is not properly *Merces*, but *Honorarium*; yet in the Law Language it is call'd a Fee.

(5) *Allegiance*] *Allegiantia*, at firſt properly imply'd the due and legal Subjection of every Vaſſal to his Lord: It is now reſtrain'd to the natural and ſworn Allegiance or legal Obedience, which every Subject owes to his Prince.

What the Nature of that Allegiance, which an *Engliſh* King claimeth of his Subjects, is, can't better appear than from Mr. *Bacon*'s own Words, in the 2d Part of his Hiſtorical Diſcourſe of the Uniformity of the Government of *England*, Chap. the 8th, entitul'd, Of Legiance and Treaſon, with ſome Conſiderations on *Calvin*'s Caſe; and from the 1ſt Volume of State-Tracts, Publiſh'd on Occaſion of the late Revolution in 1688, and during the Reign of King *William* the IIId (of ever Glorious and Immortal Memory.) Printed at *London* in 1705.

Mr. *Bacon*, having firſt explain'd, what Treaſon, Majeſty, and particularly *Engliſh* Majeſty are, proceeds to this Definition of Legiance, *viz.*

To theſe two Notions of Majeſty and Treaſon (ſaith he) I muſt add a third, call'd Legiance; for it is that, which maketh Majeſty ſuch indeed,and lifteth it into the Throne, and whereof the higheſt Breach makes Treaſon; and becauſe that, which hath been already ſaid, reflecteth upon an Opinion or rather a Knot of Opinions (for I find them not punctually adjudg'd) in *Calvin*'s Caſe, I muſt a little demur to them, becauſe as their Senſe is commonly taken, it alters the fundamental Nature of the Government of this Nation from a Common-wealth to a pure Monarchy. In handling of this Caſe, the honourable Reporter (*Coke*) took leave to range into a general Diſcourſe of Legiance, although not directly within the Concluſion of the Caſe; and therein firſt ſets down the general Nature thereof, that it is a mutual Bond between an *Engliſh* King and his People; and then more particularly ſets forth the Nature of this Bond in the ſeveral Duties of Obedience and Fealty (Fo. 5. a) and thoſe alſo in their ſeveral Properties, *viz.* Natural, Abſolute, (Fo. 7. a.) due to the King *Omni ſoli & ſemper* (Fo. 12. a.) in his natural and not publick Capacity (Fo. 10. a.) whereas he ſaith, this Bond is Natural, he meaneth that it is due by Birth (Fo. 7. a.) By Abſolute (if I miſtake him not) he meaneth, that it is Indefinite (Fo. 5. b.) *viz.* not circumſcrib'd by Law, but above Law, and before Law, (Fo. 13. a.) and that Laws were after made to enforce the ſame by Penalties, (Fo. 13. b.) and therefore he concludeth that this Legiance is immutable (Fo. 13. b. and Fo. 14. a.)

Thus having ſtated the Point as truly as I can, both for the Nature of Legiance, and the Object thereof, *viz.* the King, and not the People, otherwiſe than in Order to the Safety and Honour of the King's Perſon, conſider'd in his natural Capacity as he is a Man; I ſhall in the next Place examine the Grounds as they are ſeverally ſet down, and therein ſhall lead the Reader no farther, than the Reporter's own Conceſſions; not troubling the Reader with any Doubt, whether this Bond conſiſts in Obedience only, or in that Fealty; and in all ſhall ever be mindful of the Honour of that Pen with which I have to deal.

Firſt, Whereas it is ſaid, that *Engliſh* Legiance is Natural, and grounded upon the Birth of each Party within the King's Dominions and Protection, it needeth no Debate, ſo as the ſame be taken, *Sano ſenſu*, *viz.* for a qualified Legiance barr'd of thoſe Sublimities of Abſolute, Indefinite, Immutable, &c. For otherwiſe if ſuch an high Strain of Legiance be due from every *Engliſh* Man by Birth, then all the *Magna Charta*, or Laws concerning the Liberties of the People come too late to qualify the ſame, becauſe they cannot take away the Law of Nature, (Fo. 14. a.) and thus the Party once born *Engliſh*, muſt for ever remain Abſolutely oblig'd to the King of *England*, altho' happily he lives not two Months under his Protection all his enſuing Life-time.

Secondly, The Legiance of an *Engliſh* Man to his King ariſeth from that civil Relation between the two Callings of King and Subject; and therefore it is not a Natural Bond which cannot be taken away: The firſt is true by the Reporter's own Conceſſions: *Protectio trahit ſubjectionem, & ſubjectio Protectionem*; ſo he ſaith (Fo. 5. a. Fo. 9. b.) and therefore tho' it be granted, that Magiſtracy in general is from Nature (as he ſaith) (Fo. 13. a.) yet of weak Birth is that Inference, which he maketh, *viz.* That *Engliſh* Allegiance is a Principle in Nature, unleſs it be alſo admitted that all Men on Earth that ſubmit not to *Engliſh* Allegiance do Sin againſt Nature. The Difference then will ſtand thus, Magiſtracy is founded in Nature, therefore Legiance alſo; but *Engliſh* Magiſtracy is from civil Conſtitution, therefore is *Engliſh* Legiance of the like Nature. In the next Place the Reporter ſaith, That before any Municipal Law was made, Kings did *dare jura*, and he mounts as high for Example as the *Trojans* Age by the Teſtimony of *Virgil*; but I believe he intended not much Strength in this, ſeeing it's well known by any that knows the Scriptures, that there were Municipal Laws given, and that concerning the Office of a King, by *Moſes*, which were more antient than thoſe of *Troy*, and long before the Time of *Virgil*, who neither tells us in what Manner thoſe *Trojan* Laws were made, tho' the Kings gave them, nor if all were according to the Reporter's Senſe, is the Teſtimony of the Poet (who ſometimes uſeth his *Poetica Licentia)* to be taken in *Terminis*. In the next Place the Re-

Reporter vouches the Teſtimony of *Forteſcue* (C. 12, and 13.) which is as abſolutely Oppoſite to the main Point in Hand, as any Pen can declare: For he tells us of divers ſorts of Kingdoms, ſome gotten by Conqueſt, as thoſe of *Nimrod*, *Belus*, &c. But ſaith he, there is a Kingdom Politick, which is by the Aſſociation of Men, by Conſent of Law, making one Chief, who is made for Defence of Law and of his Subjects Bodies and Eſtates, and he cannot govern by any other Power: And of this Nature, ſaith he, the Kingdom of *England* is. (Fo. 30, 31, 32.) A ſecond Piece of the Foundation of this Opinion of the Reporter is taken *ab inane*, it is a vain Thing ſaith he to preſcribe Laws but where by Legiance fore-going People are bound to Obey; but this compar'd with the Words of *Forteſcue*, formerly mention'd, falls of it ſelf to Duſt, and therefore I ſhall not further enlarge concerning it.

Thirdly, The Reporter brings in to help the Matter, the Conſent of the Law in elder Times by certain Caſes vouch'd to that Purpoſe; The firſt concerning the Legiance of Children to Parents, which cometh not to this Caſe, becauſe it is a Legiance of Nature, and this Legiance, whereof we ſpeak, is yet under a litigious Title, and I ſuppoſe will in the Concluſion be found to reſt only upon a civil Conſtitution, therefore I leave that.

The ſecond is, That a Man Attainted and Out-law'd, is neverthleſs within the King's Protection, for this (ſaith the Reporter) is a Law of Nature, *Indelebilis & Immutabilis*, and neither Parliament nor Statute can take this Power away, (Fo. 13. b. 14. a.) and therefore the Reporter concludes, that as well the Legiance of the Subject, as the Protection of him by the King, are both of them from the Law of Nature. An Opinion that ſpeaks much Mercy, yet it ſeems ſtrange, conſidering the Pen; for if it be a Law of Nature and Immutable, for the King to protect Perſons Attainted, then muſt no ſuch Perſons ſuffer, for if he be under the King's Protection, that being by a Law of Nature, cannot be chang'd by any Poſitive Law, as the Reporter ſaith, nor can the King be bound by any ſuch Statute, but by a *Non Obſtante* he can ſet himſelf at Liberty when he pleaſeth, and then the Iſſue will be this, the King hath a Natural Power to protect the Perſons of Law-breakers from the Power of the Law, therefore much more their Eſtates, and then farewel all Law, but this of the King's natural Protection. I ſay that theſe are of an high Strain, conſidering what the Reporter ſpeaketh elſewhere. But to purſue his Inſtance; he ſaith (11 *Co. Fo.* 88. 8. *Co. Fo.* 20. 4. *Co. Fo.* 33. 7. *Co. Fo.* 36.) that the King hath Power to protect an attainted Perſon; that if any Man kill him without Warrant, he is a Man-ſlayer, and yet this Perſon Attainted hath loſt the legal Protection. It's true, yet not to all Intents, for by the Sentence of the Law, his Life is bound up under the Law of that Sentence (*viz.*) that he muſt not Suffer in other manner, than the Law determineth, nor before Warrant of Execution iſſue forth to that End (35 *H.* 6. 63.) And notwithſtanding the Sentence, yet the Law leaveth him a Liberty of Purchaſe or Inheritance, tho' to the Uſe of the Crown, and therefore in ſome Reſpects, the Law Protects his Perſon, ſo long as he lives, and the King's natural Protection is in vain in ſuch Caſes.----

Laſtly, Suppoſe the King hath a Power of *Non Obſtante*; if the ſame be allow'd to him in a limited way by the Law, it is no Argument to prove the King's natural Power, which is driven at under natural Legiance, much leſs if it cannot be made out that the Law doth allow any ſuch Power of *Non Obſtante* at all, but by the Iniquity of the Times permitteth the ſame to ſubſiſt, only to avoid Contention, as it came into the Kingdom by Uſurpation. And thus I have diſcover'd the Foundation of this firſt Qualification, which I ſhall only leave naked, ſuppoſing that no Man ſeeing it will build at all thereupon.

The *Second* Property that cometh to be conſider'd, is, (*viz.*) That *Engliſh* Legiance is Abſolute (*Fol.* 5. *b. Fol.* 7. *a.*) which is a Word of vaſt extent, ſerving rather to amaze Mens Apprehenſions, than to enlighten them; and therefore the Reporter did well not to trouble himſelf or the Reader in the Clearing or Proof thereof, but left the Point rather to be believ'd than underſtood, nor ſhall I in the Negative: For God himſelf can have no other Legiance from an *Engliſhman*, than Abſolute Legiance, and Kings being (as other Men) ſubject to Err, eſpecially in this Point of Prerogative, are much rather ſubject thereto, being miſled by ſuch Doctrines as theſe are; the Scripture (*Acts* 14. 19.) determines this Point, and cuts the Knot aſunder.

The *Third* Property of *Engliſh* Legiance, which the Reporter inſiſteth upon, is, that it is Indefinite, which he explaineth to be *Proprium quarto modo*, ſo as it is both Univerſal and Immutable (*Fol.* 5. *b. Fol.* 12.) and neither defin'd by Time, Place, or Perſon; as touching the Time and Perſon, the Reporter enlarg'd not at all, therefore I ſhall only leave the Reader to chew upon the Point, ſuppoſing himſelf in the firſt Times of *Edward* the 4th, when *Henry* the 6th was then alive, and let him reſolve to which of 'em his Legiance had been due, conſidering 'em both in their natural Capacity, as the Reporter would have it. But as touching the Place, it's reported that *Engliſh* Legiance is not only due from an *Engliſhman* to an *Engliſh* King in *England*, but in all Places of the King's Dominions, tho' otherwiſe Foreign as to the Power of the Law of *England*: Yea, ſaith the Reporter, as far as the King's Power of Protection doth extend: And yet this had not been enough, if the Premiſſes be granted; for if this Legiance, whereof we ſpeak, be Abſolute, & *Omni Soli & Semper*, then is it due to the King from an *Engliſhman*, *Ubivis Gentium*. Nevertheleſs, to take the Reporter in a moderate Senſe, it is worth Conſideration, whether *Engliſh* Legiance *Temp. Ed.* 3. extended as far as the King's Power of Protection, whenas he had the Crown of *France* in a foreign Right to that of *England*. In this the Reporter is extreamly Poſitive upon many Grounds which he inſiſteth upon.

Firſt, He ſaith, That *Verus & Fidelis* are Qualities of the Mind, and cannot be circumſcrib'd within the Predicament of *Ubi*; and upon this Ground he might conclude, that this Legiance is due to the King from an *Engliſhman* all the World over, as well as in all the King's Dominions; but concerning the Ground, it may be deny'd, for tho' ſimply in it ſelf conſider'd as a Notion, Verity or Fidelity are not circumſcrib'd in Place, yet being Qualities of the Soul, and that being in the Body, in relation thereto, it may be in the Predicament of *Ubi*; for where-ever that Body and Soul is, there is Faith and Truth, according to its Model, which tho' not Abſolute and Indefinite, yet if according to the Laws of the Place, wherein the Man is, he is truly ſaid to be *Verus & Fidelis*.

Secondly, The Reporter argueth, that the King's Protection is not Local, or included within the Bounds of *England*, therefore alſo is not the Legiance. For ***Protectio trahit Legiantiam, & Legiantia Protectionem***; had this Reaſon been form'd into a Syllogiſm, it had appear'd leſs Valuable; for the Protection of an *Engliſh* King, ***qua Talis***, of an *Engliſhman*, is Local, and included within the Bounds of the Kingdom; but if the ſame King be alſo King of ***France***, or Duke of *Aquitain*, and an ***Engliſhman*** ſhall Travel into thoſe Parts, he is ſtill under the ſame King's Protection, yet not as King of ***England***, but as King of ***France***, or Duke of ***Aquitain***, otherwiſe, let the Party be of *France*, or *Aquitain*, or *England*, all is one, he muſt be (whether ***French*** or *Engliſh*) under an unlimited, abſolute Protection, without Regard had to the Cuſtoms or Laws of the Place; yea, contrary to them, which I believe the Reporter never intended to affirm.——

Thirdly, The Reporter falleth upon the Matter of Fact, and tells us, that the King of *England* did many times, *de facto*, grant Protections to Perſons in Places out of the *Engliſh* Confines, and it will not be deny'd; but never was any abſolute and indefinite Protection ſo granted; for the Protection extends to Defence from Injury, and all Injury is to be expounded and judged according to the Laws of the Place; nor do any of the Precedents vouch'd by the Reporter, clear that the King of ***England*** did grant, as King of *England*, Protection to any *Engliſhman* in any Parts of the King's Dominions beyond the Seas, which was not qualify'd according to the Laws and Cuſtoms of that Place; eſpecially it being apparent, that an ***Engliſh*** King may hold Dominion in Foreign Parts, in Legiance under a Foreign King, as *Edward* the 3d held the Dutchy of ***Guyen***, and therefore cannot grant abſolute Protection in ſuch Place, nor receive abſolute Legiance from any Perſon there being.

Fourthly, The Reporter ſaith, that the King of ***England*** hath Power to Command his Subjects of ***England*** to go with him in his Wars, as well without the Realm of ***England***, as within the ſame, therefore the Legiance of an *Engliſhman* to his King, is Indefinite, and not Local, or circumſcrib'd by Place, or within the Kingdom of ***England***.

land. Altho' the firſt of theſe be granted, yet will not the Inference hold; for poſſibly this may ariſe from the Conſtitution of a poſitive Law, and not from natural or abſolute Legiance, nor doth any Authority by him cited juſtify any ſuch Legiance; but I cannot agree to the firſt, for it is not true, that the King hath any ſuch Power from his own perſonal Intereſt, nor doth the Authority of former Ages warrant any ſuch Matter: For a fuller Diſquiſition whereof, I ſhall refer the Reader to the 11th Chapter enſuing, becauſe the whole Matter concerning the Militia cometh there to be handled of Courſe.

Fifthly, To cloſe up all the reſt, the Reporter brings the Teſtimony of the Judges of the Common Law, out of the Teſtimony of *Hengham*, wherein an Action was brought by a *French* Woman, and not of the Legiance or Faith of *England*; this was diſallow'd by the Judges, becauſe Legiance and Faith was referr'd to *England*, and not to the King: Thereupon the Defendant averr'd, that the Plaintiff is not of the Legiance of *England*, nor of the Faith of the King: And upon this Plea, thus amended, the Plaintiff gave over her Action. The Reporter from hence obſerveth, That Faith and Legiance is referr'd to the King indefinitely, and generally, and therefore it is ſo due to him. The Reaſon might have had more Force, had the Object of Allegiance, or the Nature thereof, been the Point in Queſtion; but neither of them coming in debate, and Allegiance being ſubjected to *England*, and Faith to the King, I ſee not what more can be concluded from hence, but that Allegiance from an *Engliſhman* is due to *England*, and Faith to the King, which I ſuppoſe muſt be intended to be in Order to that Allegiance; becauſe by the former Plea *England* had them both, and the King was wholly left out in the Caſe. Nevertheleſs, I rather think that the preſent Point in Controverſy will receive little Light here-from on either Part.

We are now come to the *Fourth* Property of *Engliſh* Legiance, That it is due to the King's natural Capacity, and not to his politick Capacity, or due to the Office of a King, in regard of the Perſon of the Man, and not to the Perſon, in regard of the Office (*Fo.* 20.) and becauſe this is of no ſmall Importance, neither eaſily underſtood, nor granted, therefore he backeth his Opinion with many Reaſons.

Firſt,

Firſt, He ſaith, That the King ſweareth to his Subjects in his natural Capacity, therefore the Subjects ſwear to him in his natural Capacity. This Reaſon was intended to be taken from Relatives, and then it ſhould have been thus: A King doth ſwear to his Subjects in their natural Capacity, therefore Subjects ſwear to a King in his natural Capacity; but it being otherwiſe, it is miſtaken, and proves not the Point: Yet if we ſhould take the Reporter *in ſano ſenſu*, there is no Queſtion but the Oath is made to the natural Capacity: yet not Terminative, more than the Oath of the Tenant to his Lord, which this Author pleaſeth to Couple with the mutual Dependance between King and Subject. (*Fo.* 4. *b.* 5. *a.*) Nor doth the Oath of an *Engliſhman* bind him to the Obedience of all, or any Commands which the King ſhall give in Relation only to his natural Capacity, or in Oppoſition to his politick Capacity: nor will the Reporter himſelf allow, that the politick Capacity of the King can be ſeparate from his natural Capacity (*Fo.* 10.) and yet it is evident, that a King may in his natural Capacity command that, of which his politick Capacity cannot give Allowance.

The *Second* Reaſon of this Opinion is taken from the Nature of Treaſon, which, ſaith the Reporter, is committed againſt the natural Perſon of the King, and this is againſt due Legiance, according to the Form of Indictments in that Caſe provided: This is not Demonſtrative, becauſe that Crime, which is done againſt the natural Perſon of a Man, may as well extend to it, in Relation to his Place, or Office: and ſo may Treaſon be plotted againſt the natural Perſon of a King, as he is King. Neither is there any other Difference between the Murther of a King, and a private Man, but only in regard of the Place and Office of a King, which makes the Murther of him Treaſon; for which Cauſe all Indictments that do conclude, *Contra Legiantiæ debitum*, do as well alſo conclude, *Contra Coronam & Dignitatem*, &c.

The *Third* Reaſon is this, A Body Politick can neither make nor take Homage, (33 *H.* 8. *Bro. Tit. Fealty*) therefore cannot the King, in his politick Capacity, take Legiance. The firſt muſt be granted only *ſub modo*, for tho' it cannot take Homage immediately, yet by the Means of the natural Capacity it may take ſuch Service; and therefore that Rule holds only where the Body Politick is not aggregate, and not one Perſon in ſeveral Capacities: For the Tenant that performs his Service to his Lord, performs the ſame to his Lord in his natural Capacity, but it is in Relation to his politick Capacity, as he is his Lord: For Lord and Tenant, King and Subject, are but Notions, and neither can give nor take Service; but that Man that is Lord or Tenant, or King or Subject, may; even as the Power of Protection is in a King, not as he is a Man, but as a King.

The *Fourth* Reaſon is this, The King's natural Perſon hath Right in the Crown by Inheritance, therefore alſo in the Legiance of the Subject. This is the Strength (as nigh as I can collect) of that which is ſet down as a *Sixth* Reaſon, but I make it the *Fourth*, becauſe the *Third*, as I conceive, is but an Illuſtration of the *Second*, and the *Fifth* is upon a Suppoſal of a *Fides ficta*; whereas that Faith of an *Engliſh* Subject, which is according to Law, is the truer of the Twain; but to the Subſtance of this *Fourth* Reaſon: If the *Fifth* be granted, yet the Reporter cannot attain his Concluſion; for the King may, in his natural Capacity, have Right to the Crown by Inheritance, and yet not Right in the Legiance of his Subjects, otherwiſe than in the Right of the Crown: As in the Caſe of Lord and Tenant; the Lord may Inherit the Lordſhip in his natural Capacity, but the Service is due to him as Lord, and not as by Inheritance in the Service in the Abſtract. And tho' it be granted, that the Legiance to a King is of an higher Strain, than that of a Tenant to his Lord (*Fo.* 4. *b.* 5. *a.*) yet doth the Reporter bring nothing to light, to prove them to be of a different Nature in this Regard.

The *Fifth* and Laſt Reaſon that cometh to Conſideration, is from a Teſtimony of the Parliament; for it is ſaid, That this damnable Tenet of Allegiance to the King, in his politick Capacity, is condemn'd by two Parliaments; but in Truth I can find but one under that Title, that mentioneth this Opinion, and that is call'd *Exilium Hugonis*, which in Sum is nothing elſe but Articles, containing an Enumeration of the particular Offences of the two *Spencers* againſt the State, and the Sentence thereupon: The Offences are, for compaſſing to draw the King by Rigour, to govern according to their Wills; for withdrawing him from hearkning to the Advice of his Lords; for hindring of Juſtice, and for Oppreſſion, and (as a Means hereunto) they caus'd a Bill or Schedule to be publiſh'd, containing that Homage and Legiance is due to the King, rather in relation to the Crown, than abſolutely to his Perſon; becauſe no Legiance is due to him, before the Crown be veſted upon him: That if the King do not govern according to Law, the *Leiges* in ſuch caſe are bound by their Oath to the Crown to remove him either by Law or Rigour.

This is the Subſtance of the Charge, and upon this exhibited in the Lord's Houſe, the Lord's, *Super totam Materiam*, baniſh them before their Caſe is heard, or themſelves had made any Appearance thereto, ſo as to the Matter of this Schedule (which contains an Opinion ſuitable to the Point in Hand, with ſome additional Aggravations,) the Parliament determineth nothing at all; but as to the Publiſhing of the ſame, to the Intent to gather a Party, whereby they did get Power to Act other Enormities mention'd in the Charge; and in relation to thoſe Enormities, the Lords proceeded to Sentence of Baniſhment; all which was done in the Preſence of the King, and by his Diſconſent, as may appear by his Diſcontent thereat, as all Hiſtorians of thoſe Affairs witneſs; and it is not probable that the King would have been diſcontented at the Proceedings of the Lords in aſſerting the Prerogative of a King, in that Manner of the Schedule, if he had perceived any ſuch Thing in their Purpoſes. Add hereunto, that the Lords themſelves juſtified the Matter of the Schedule in their own Proceedings, all which tended to enforce the King to govern according to their Counſels, and otherwiſe than ſuited with his good Pleaſure. By Force they remov'd *Gaveſton* from the King's Preſence formerly, and afterwards the *Spencers* in the ſame manner: So they remov'd the King from his Throne, and not long after out of the World.

Laſt of all, I ſhall make uſe of one or two Conceſſions, which hath paſs'd the Reporter's own Pen (in this Diſcourſe of his) for the Maintaining, that the Legiance of an *Engliſh* Man is neither Natural, nor Abſolute, nor Indefinite, nor due to the Natural Capacity, but qualified according to Rules.

The *Firſt* is this, *Engliſh* Men do owe to their King; Legiance according to the Laws, therefore it is not Natural, or Abſolute, or Indefinite. The Inference is neceſſary, for the latter is Boundleſs and Natural; the former is Limited, and by Civil Conſtitution: If any Branch therefore of *Engliſh* Legiance be bounded by Law, then the Legiance of an *Engliſh* Man is circumſcrib'd, and not Abſolute or Natural. The major Propoſition is granted by the Reporter, who ſaith, That the Municipal Laws of the Kingdom have preſcrib'd the Order and Form of Legal Legiance, (Fo. 5. b.) and therefore if by the Common Law, the Service of the King's Tenant, as of his Mannor, be limited, how can that conſiſt with the Abſolute Legiance formerly ſpoken of, which bindeth the Tenant, being the King's Subject, to an Abſolute and Indefinite Service? Or if the Statute Laws have ſettled a Rule, according to which each Subject ought to go to War in the King's Service beyond the Seas, as the Reporter granteth, (Fo. 7, 8.) then cannot the Legiance be Abſolute to bind the Subject to go to War according to the King's own Pleaſure.

Secondly, An *Engliſh* King's Protection of his Subjects, is not Natural, Abſolute, Indefinite, nor Originally extendeth unto them in their Natural Capacity: Therefore is not the Legiance of an *Engliſh* Subject to his King, Natural, Abſolute, Indefinite, nor Originally extendeth to the King, in his Natural Capacity.

The Dependance of theſe two reſteth upon the Reporter's own Words, who tells us, that *Protectio trahit ſubjectionem, & ſubjectio Protectionem*, ſo as they are *Relata*, and do prove mutually one another's Nature, (Fo. 5. a.) and in the ſame Page (a few Lines preceeding) he ſhews why this Bond between King and Subject is call'd Legiance, becauſe there is a Reciprocal and double Bond: For as the Subject is bound in Obedience to the King, ſo is the King bound to the Subject in Protection. But the King is not naturally bound to Protect the People, becauſe this Bond begins not at his Birth, but when the Crown is ſettled upon him.

Thirdly, This Protection is not Abſolute, becauſe the King muſt maintain the Laws, (Fo. 5. a.) and the Laws do not protect Abſolutely any Man, that is a Breaker of the Laws.

Fourthly, This Protection is not Indefinite, becauſe it can extend no further, than his Power, and his Power no further than his Dominions, (Fo. 9. b.) the like alſo may be inſtanc'd in Continuance of Time.

Laſtly, The King's Protection extendeth not Originally to the natural Capacity, but to the Politick Capacity: Therefore till a Foreigner cometh within the King's Legiance, he cometh not within his Protection, and the uſual Words of a Writ of Protection ſhews, that the Party Protected, muſt be in *Obſequio Noſtro.* (Fo. 8. a.) The Sum then is, that as Protection of an *Engliſh* King, ſo neither is Legiance, or Subjection of an *Engliſhman*, Natural, Abſolute, Indefinite, or Terminated in the natural Capacity of the King. And to make a full Period to the Point, and make the ſame more Clear, I ſhall inſtance in one Precedent, that theſe Times of *Ed.* 3. produc'd: The former *Engliſh* King's had Title to many Territories in *France*, but *Ed.* 3. had Title to all the Kingdom: And being poſſibly not ſo ſenſible of what He had in Poſſeſſion, as of what He had not; He enters *France* in ſuch a way, and with that Succeſs, that in a little time He gains the higheſt Seat therein, and ſo brought much Honour to the *Engliſh* Nation: and more than ſtood with the Safety of the Kingdom: For in the Union of two Kingdoms its Dangerous for the Smaller, leſt it be Swallow'd up by the Greater.

This was foreſeen by the *Engliſh*, who knew *England* did bear but a ſmall Proportion to *France*, and complain'd of that Inconvenience: And thereupon a Law was made, (14. *Ed.* 3. *Stat.* 4.) that the People of *England* ſhould not be Subject to the King or his Heirs, as Kings of *France*; which manifeſtly importeth, That an *Engliſh* King may put himſelf in ſuch a Poſture, in which Legiance is not due to Him: and that this Poſture is not only in Caſe of Oppoſition, but of Diverſity, when He is King of another Nation, and doth not *de Facto*, for that Time and Place, Rule as an *Engliſh* King: Which if ſo, I ſuppoſe this Notion of Natural, Abſolute, and indefinite Legiance to the King in his natural Capacity is out of the Kingdom, if not out of the World; and then the Foot of the whole Account will be, that the Legiance of an *Engliſhman* is Originally according to the Laws; the Sum of All being comprehended in the joynt ſafety of the People of *England*. (*Hactenus Bacon.*)

The State of *Engliſh* Allegiance, which I have given the Reader a view of in Mr. *Bacon*'s own Words, being ſo full and clear, I ſhall not trouble him with much out of the State Tracts; yet ſomething from that Author is neceſſary to preſent to him, in Order to make good what I propos'd at the Entring upon this Article, and to ſtrengthen and confirm the foregoing Diſcourſe.

The Definition which this Author gives of *Engliſh* Allegiance is thus expreſs'd by him, *viz.* As touching Allegiance (ſaith he Pag. 337.) the true Nature of it will be evident to us by conſidering, That Allegiance or Legiance with Reſpect to the King (for antiently even inferiour Lords had their Liege Men) imports, as the Gloſſaries tell us, that reciprocal Fee there is between the King and the Subject, binding the one to Protection and juſt Government, the other to Tribute and Obedience. And theſe Duties of Protection and Obedience appear to be correlative; for as the King is *ex Officio* (as Lawyers ſpeak) oblig'd to do equal Juſtice to all his Subjects, and to govern by Law, and the Subjects are, by implicit Obligation of the Law bound to Honour and Obey the King; ſo the Law has appointed reciprocal Oaths to be taken for the better Enforcing the Performance of theſe reſpective Duties, that is, the Coronation Oath on the King's Part, and the Oath of Allegiance on the Subject's.

And tho' this be the true State of Allegiance in its juſt Latitude, yet by Cuſtom this Word is now moſt commonly uſed to ſignifie the Faith and Obedience Subjects owe unto the King. Therefore taking it in this latter Senſe, it's manifeſt, that as the Law is the rule and meaſure of our Allegiance, ſo the King is the Object of it.

Allegiance is due to the King as King, that is, as a Perſon veſted with the Regal Authority. It is the Exerciſe of Royal Authority, that conſtitutes his Politick Capacity, and draws to it the Obedience of the Subject, and not meerly the Deſcent of a Right to the Crown; for even in Caſes, where the uſual Courſe of Succeſſion is interrupted, Allegiance is due to the King in Poſſeſſion, who is call'd a King *de facto*; and for this Cauſe, Treaſon may be committed againſt him, as well as againſt a King ſucceeding by regular

lar Deſcent; and yet by the Law, Treaſon cannot be committed againſt one that is rightful Heir to the Crown (who is for Diſtinction call'd a King *de jure*) at ſuch Time as he is out of Poſſeſſion of the Crown.

Nay, the Law does very carefully guard the Perſon even of a King *de facto*, (that is, a King who does not come in by regular Succeſſion) and requires of the Subjects, Obedience to Him; inſomuch, that if Treaſon be perpetrated againſt the King *de facto*, ſuch Treaſon ſhall not only be puniſhable by the King *de facto* in his Lifetime, but even by the King *de jure* after the Demiſe of the King *de facto*.

So alſo Treaſon committed againſt a King *de facto*, ſhall be alledg'd in the Indictment to be *contra naturalem Ligeantiam Domino Regi debitam*; for as he bears the Politick Capacity of a King, ſo the Law entitles him to the Allegiance of the Subjects.

In like manner all Judicial and Political Acts done by a King *de facto*, are as Valid and Obligatory, as if they had been done by a Rightful King, in actual Poſſeſſion of the Throne: Whereas on the contrary, all ſuch Acts done by a King *de jure*, who is not in Poſſeſſion of the Crown, are totally void. So little Difference doth the Law make in caſe of the Regality between Right and Poſſeſſion.

Again, (Pag. 128.) It is certain, that the Reciprocal Duties in Civil Societies, are Protection and Allegiance, and whereſoever the One fails wholly, the Other fails with it: And as this is true in the only Government, which is founded on the Law of Nature, I mean the Authority of a Father over his Children, ſo it is much more true with relation to every Form of Political Government, in which there is a mutual Tie of Protection and Obedience, according to that Syſtem of Government given by St. *Paul* in his Epiſtle to the *Romans*, Chap. 13. in the firſt 7 Verſes.

Again, (Pag. 324.) Allegiance in its Primary general Senſe, ſignifies being Oblig'd or Bound; in its Political Senſe it imports that kind of relation which refers a Subject to his Prince, and by Conſequence it connotes the Duties which reſult from that relation.

Allegiance (Pag. 370.) is due to him, from whom we receive Protection; this is allow'd by all the World; elſe why do Men after having ſworn Allegiance to their Native Prince, and going into another Country, ſwear Allegiance to the Prince thereof?

For 'tis an acknowleg'd Aphoriſm, that *Salus Populi eſt Suprema Lex*, and therefore to be preferr'd before Titles to Succeſſion.

A King (Pag. 378.) is a true and real King, when in Poſſeſſion of the Throne (tho' not by regular Deſcent) having taken the Coronation-Oath, and governing according to the Laws of the Land: 'Tis not the Title, but the Office, that maketh him a King (in which Capacity we ſwear Allegiance to him) which if any King derogates from, he forfeits his Right of governing. Again (in the ſame Page) if a King that comes to the Throne by regular Deſcent, ſhould refuſe to take the Coronation-Oath, the People are not bound to ſwear Allegiance to him; and he neither ought, nor can be obey'd as a King in the leaſt Command, tho' he ſhould promiſe to govern according to Law; and he being not qualified according to Law, therefore he could not be Head and Governour.

Many other Paſſages of this Author relating to Allegiance in its ſeveral Branches I might quote, which to avoid too much Prolixity, I ſhall omit.

(6) *Inveſtitura, Inveſtiture*] Deriv'd of the *French* Word *Inveſter*, and ſignifies to give Poſſeſſion (Hotman *de verbis Feudalibus, verbo Inveſtitura*) *Inveſtitura Barbarum nomen, Barbaricam quoq; rationem habet; nam, ut ait Feudiſta, Lib. 2. Tit. 2. Inveſtitura proprie dicitur, quando Haſta vel aliquod Corporeum traditur a Domino:* Others define it thus, *Inveſtitura eſt in ſuum jus alicujus Introductio*; a giving Livery or Seiſin or Poſſeſſion.

(1) *Marchias*

The Bounds and Towns of his Kingdom he committed to the Government of Counts or Earls. The Bounds and Borders they call'd *Marchias* (1) or *Marches*; whereupon the Governours of the *Marches* began to be call'd *Marchiarum Comites* (or Counts of the *Marches*) and at length *Marchiones* or Marqueſſes. Thoſe whom he ſet and plac'd in the Provinces for the Adminiſtration of Juſtice, and the keeping of the People in their Allegiance, were then call'd *Miſſi* (2), or Men ſent, or otherwiſe *Legati* (3), *i. e.* the Emperor's *Legates* or Lieutenants; but ſuch as the People created afterwards of themſelves for the Adminiſtration of Juſtice, and the Government of Cities, being Two or more in Number, choſen after the manner of the antient *Roman* Common-wealth, were call'd Conſuls. The *French Roman* Empire with this Succeſs made by *Charles* the Great, was left to his Poſterity almoſt Hereditary, which ſhortly after alſo, under the Emperor *Charles* the Groſs (Nephew in the fourth Degree to *Charles* the Great, and before King of *Germany*) devolv'd from the *French* to the *Germans*: To whom alſo (within a few Years after) *Otto* (4) the Great, King of *Germany* (5) and he Emperor too, ſucceeded; who following the Steps of *Charles* the Great, gave ſuch Perfections to his Beginnings, in beſtowing and diſpoſing of Honours and Dignities; as that he is not ſo much for his Sir-name (6) and Noble

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Noble Acts to be compar'd with the moſt mighty Emperors, as for his wholſome Laws and heroical Ordinances, of all Poſterity ever highly to be commended.

For

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(1) *Marchias* may be deriv'd from the *German March*, i. e. *Limes*, or from the *French Marque*, i. e. *Signum*, being the notorious Diſtinction between the two Counties or Territories. The *Marches* be the Bounds and Limits between us and *Wales*, or between us and *Scotland*; (24 *H.* 8. Cap. 9.) And the *Marches* of *Scotland* are divided into *Weſt* and middle *Marches*. 4 *H.*5. 7. 22 *Ed.* 4. Cap. 8. The Word is us'd in the Stat. of 24. *H.* 8. 12. generally for the Borders of the King's Dominions.

(2) *Miſſi*] *Miſſus, Legatus, Nuncius, Commiſſarius, Vicarius, & quem Forenſes Angli. Attornatum nuncupant. A mittendo.*

Aimoin. Lib. 5. Cap. 15. Pag. 294. *Legatos. al. miſſos. in Marg.*

Gloſs. in Cap. 1. *de immunitate Eccleſ. dicit eſſe vulgare Italicum, in recentioribus Hiſtorijs pro Ferculo uſurpatur Miſſus. Sic Amerpach Capitulare factum in Aquis* Ann. 20. *Caroli Mag. uti in Conſtit. ejus apud M. Amerpach* - - - - *quapropter & noſtros ad vos direximus Miſſos qui ex noſtri nominum Authoritate, una vobiſcum corrigant quæ corrigenda eſſent: Item præceptum Ludovici. Imp. apud Flodoard.* Lib. 2. Cap. 19 - - - - *Concedimus ut nullus Index, Comes, aut Miſſus, ſive aliquis ex Judiciaria poteſtate, ullam inde eidem ſanctæ Dei prædictæ Remenſi eccleſiæ inquietudinem, aut ullum calumniæ Impedimentum inferre unquam præſumat.*

Miſſus Regalis (quod huc immediate refert) Legatus, vel Commiſſarius Regis: interdum Juſticiarius Regis. Greg. Turon. Lib. 5. Cap. 28. *Chilpericus Rex dirigens de latere ſuo Perſonas, immenſis damnis populum afflixit, ſupplicijſq; contrivit, morte mulctavit. Ferunt etiam tunc*

Abbates atq; Presbyteros ad ſtipites extenſos diverſis ſubjacuiſſe tormentis; clamantibus Regalibus Miſſis, quod in ſeditione Populi ad incendendos libros (de Scriptionis a Rege facta) ſatellites adfuiſſent. Flodoard. Lib. 3. Cap. 27. *Apud Regem pro eo petierit & obtinuerit, ut Miſſos ſuos dirigeret, qui diligentiſſime hoc inter eccleſiæ Remenſis & Avenaci Monaſterij Poſſeſſiones, æqua lance indagantes decernerent; & poſt aliquot, Petitq; ut mittat Miſſum ſuum ſtrenuum & Fidelem cum Miſſo filiæ ſuæ.*

Epiſcopus, Miſſus & Comes ſimul in Comitatu conſulebant; Epiſt. Synodal Caroli Calvi Ann. 846. b. *Tom.* 3. Pag. 663. v. *Miſſorium, Miſſatica, & Miſſos fuiſſe Epiſcopos in Caroli Calvi Capitul.* Pag. 112. q. *hic inferendum ſum pollicitus in Juſticiariorum electione.*

Miſſi etiam dicebantur, qui ab Imperatore ſunt legati in Provincias, ad Inquirendos, cenſendoſq; mores Clericorum, Monachorum, Cæterorumq; Eccleſiaſticorum; hodie viſitatores Appellati.

Miſſus Dominicus] *Juſticiarius, vel judex Regni, ſive Imperat. remotioribus hinc ſæculis ſic Apellatus eſt. Ekkehardo Jun. Angelus Imperatoris. quod* v. *Flodoard.* Lib. 2. Cap. 18. *Tilpinum ſequitur Vulfarius: qui ab Imperatore præfato Magno Carolo Miſſus Dominicus ad recta Judicia determinanda fuerat ante Epiſcopatum conſtitutus ſuper totam Campaniam. Longob.* Lib. 2. Tit. 16. *Coram Rege & ſcabinis, vel Miſſo Dominico, qui tunc ad juſtitiam faciendam in Provincia fuerint Ordinati.*

Miſſus, vel Nuncius Papæ a Legato differt, quod ſine Legati inſignibus delegatur.

Miſſus Comitis] *Vicarius Comitis. Vice Comes. Capitular. Car.* Lib. 2. Cap. 24---- *Volumus etiam ut Capitula, quæ nunc & alio tempore conſenſu fidelium noſtrorum a nobis conſtituta ſunt, a Cancellario noſtro, Archiepiſcopi & Comites eorum de proprijs civitatibus modo, aut per ſe, aut per ſuos Miſſos accipiant,* &c. (Spelm. *Gloſs.*)

(3) *Legati,*] *Legatus pro nuncio privati alicujus Hominis plebei.* Lib. *Rameſ.* Sect. 265. *Hugone (de Halewella) igitur ſæpiſſime tam per ſe, quam per Legatos ſuos ſuppliciter poſtulante, & ſuæ neceſſitatis cauſas oſtendente dedit*

prædictus Abbas prædicto Hugoni unam Cotſethelandam, &c.

Pro Miſſo Dominico, & quem nos juſticiarium Regis appellamus. Annales Car. Mag. Saxones occaſione nacta, Legatos Regis qui ad eos ob juſtitias faciendas miſſi erant, comprehenſos interficiunt. (Id. ibid.)

(4) *Otto*] *Otho* the 1ſt Emperor of *Germany*, ſucceeded his Father *Henry* the 1ſt in 936, and was crown'd at *Aken* by *Hildebert*, Arch-Biſhop of *Mentz*: He ſubdu'd the *Hungarians* and *Bohemians*, and reduc'd the Grandees of the Empire (ſome of them his neareſt Relations) who thro' a Jealouſie, which his Power and Victories had rais'd in them, made ſeveral Attempts againſt him, to own him as their Sovereign, &c. He died at *Magdeburgh*, the *Wedneſday* before *Whitſunday*, the 7th of *May*, 973. *Otho* was a good Prince, and a Lover of Juſtice: It is ſaid he was us'd to ſwear by his Beard, which, according to the Mode of thoſe Times, he let grow down to his Waſte.

(5) Authors do not agree why this Country was call'd *Germany*. *Cæſar* in his *Commentaries*, *Tacitus*, *Dion*, and other Writers ſeem to intimate, That the *Eburones*, *Condruſes*, *Segnes*, *Cereſes* and *Pemanes*, having, when they croſs'd the *Rhine* to ſettle in *Gaul*, taken the common Name of *Tonores*, were ſoon after call'd by the Natives *Germans*, or Brothers; others will have it come from *Germannen*, *i. e.* all Men; others from *Werren*, to Diſpute or Quarrel; and add that they were firſt call'd *Weermans*, then *Guerremans*, and at laſt *Germans*: But its more probable, the Country being inhabited by *Scythians*, *Gauls*, &c. that confederating together againſt the *Romans*, they took the Name of *Germans* to ſignifie their Union and Alliance. Nor do Authors agree better about it's Limits; ſome bound it with the *German* and *Baltick* Seas, with the Rivers *Rhine*, *Danube*, and *Viſtula*; when *Charlemagne* undertook its Conqueſt, it was bounded with the *Danube* to the *South*, the *Rhine* to the *Weſt*, the *Baltick* to the *North*, and *Sarmatia* to the *Eaſt*. But now it is bounded on the *North* by the *Baltick* Sea, *Denmark*, and the *German* Ocean; on the *Eaſt* by *Hungary*, *Pruſſia*, and *Poland*; on the *South* by the *Alpes*, which part it

from *Italy*; on the *Weſt* by the *Netherlands*, *Lorrain*, and *Franche-Comte*.

Verſtegan tells us, That the *Germans* do after the Name of *Tuiſco*, or *Tuiſcon* (call'd by *Tacitus de Mor. Germ. Tuiſto*) their Father and Conducter, even unto this Day call themſelves in their own Tongue *Tuyitſh*, and their Country of *Germany Tuyitſhland*; and the *Netherlands* uſing herein the (*D*) for the (*T*), do make it *Duytſh* and *Duytſhland*, both which Appellations of the People and Country, I do here write right, according as we in our *Engliſh* Orthography, would write them, after their Pronunciation.

It reſteth now to ſay ſomewhat of the latter Names, whereby they are otherwiſe call'd, as *Germans* and *Almans*, howbeit of the *Italians* not ſo; for a *German* of them is even at this preſent call'd a *Tudeſco*, which hath relation to their right and antient Name, which they derive from *Tuiſco*; as touching their Names of *Germans* and *Almans*, ſundry Suppoſals have been made, and of ſome peradventure that well underſtood not how both theſe Names are but one, and have but one Signification: For as in the latter Syllable, *Man*, they agree both in Sound and Senſe, ſo do they alſo agree in the former Syllables *Ger* and *Al*, to wit, in like Senſe, tho' not in Sound, for the Word *Ger*, or *Gar*, (for both are indifferently us'd) is as much in the *Tuytſh* or *Teutonick* Tongue as *Al*; and we *Engliſh* Men have a Phraſe to ſay, Drink a *Garaus*, and ſome not knowing what they ſay, inſtead of *Garaus*, which is to ſay *All out*, do ſay *Caraus*; and thus *Gar* and *Al*, being ſhew'd to be equivalent, both *German* and *Alman* is then as much to ſay as all or wholly a Man; and this Name the *Germans* may well at ſometime, and upon ſome Occaſion, have attributed or aſſum'd to themſelves, in regard of their great Manlineſs and Valour, and other Nations, that had Proof thereof, rightly afford them. And yet it plainly ſeemeth, that all the *Germans* did not generally take this Name, but kept their antient Name of *Tuytſh*, for that in Time the ſaid Name had ſo prevail'd among them, that it hath worn the latter Name of *Germans* both out of Uſe and Memory, and ſo continueth it unto this Day: The vulgar People of *Germany*, as before is ſaid, being wholly ignorant thereof, and calling

ing themſelves *Tuytſh*, and their Country *Tuytſhland* (*Reſtitution of decay'd Intelligence.*)

I here preſent the Reader with an Obſervation upon Sur-names, by a Peer of *Scotland*, who hath enquired into that Piece of Antiquity, with much Curioſity, taken out of *Collier*'s *Great Hiſt.* &c. *Dictionary*. The only way to avoid the odious and ſcandalous Name of a Plagiary, is to quote Authors as I go along; and this I have done in moſt Articles, commented upon in this Eſſay. Now to what this *Scotch* Peer hath curiouſly obſerv'd of Sur-names.

(6) *Sur-name*] (ſaith he) Is that which is added to the Proper Name, for diſtinguiſhing Perſons and Families; but the Choice and Uſe of them have been various, according to the different Cuſtoms of Nations; therefore we ſhall only Note here, how Sur-names have been choſen in this Iſland, and particularly in *Scotland*. As for Sur-name, in the Preſent Acceptation, which is common to the Children and ſucceeding Generations of Families, they were us'd in *England* before the (reputed Conqueſt) and long 'ere they were us'd in *Scotland*, whither the *Engliſh* brought that Cuſtom: For when *Margaret*, Queen to *Malcolm Canmor*, King of *Scots*, with her Brother *Edgar Atheling*, fled into *Scotland* from *William* the 1ſt, many of the *Engliſh* who came with them, and got Lands in *Scotland*, had their proper Sur-names, as *Moubray*, *Lovel*, *Liſle*, &c. uſing the Particle *De* or *Of* before them, which makes it probable, that thoſe Sur-names had been deriv'd from the Lands, which they or their Anceſtors had poſſeſs'd. At this Time there were no ſuch Sur-names in *Scotland*: tho' in *Kenneth* the 2d's Time, in 800, the great Men began to call their Lands by their own Names. But the ordinary Diſtinctions in Uſe then, were Perſonal, and not deſcending to ſucceeding Generations; but either the Name of the Father, as *John*, the Son of *William*, or the Name of the Office, as *Stuart*, &c. or accidental Notes from Complexion or Stature, *&c.* as Black, White, Long, Short, *&c.* or the Name of their Trade; as Taylor, Weaver, Sadler, *&c.* But after the Arrival of the *Engliſh*, as above-mention'd, thoſe who were poſſeſs'd of Baronies or Lordſhips began to take Sur-names from their Lands, as *Patrick* of *Dunbar*, *James* of *Douglas*, *John* of

Gordon; and yet it was a conſiderable Time after 'ere theſe Sur-names were tranſmitted to their Children; Others tho' Inheriters of Lands, took for Sur-name, the Name of ſome eminent Perſon of their Anceſtors, the *Highlanders* adding *Mach* before it, as *Mach-Donald*, i. e. the Son of *Donald*, and the *Lowlanders* adding Son after it, as *Donaldſon*, *Robertſon*, &c. The antient Way of deſigning Perſons in *Latin* Deeds confirms theſe Obſervations, as *Patricius de Dumbar*, *Gaulterus Seneſchallus*, *Joannes Sartor*, *Gulielmus dictus Niger*, &c. It's further to be obſerv'd, That thoſe who had Lands, did at that Time chuſe rather to take Deſignation from them, than from the Families whence they were deſcended, eſpecially in the *Low-Lands* of *Scotland*: As for Example, *William* the 1ſt, of the Houſe of *Hume*, is call'd *Gulielmus Filius Patricij Comitis*, and his Son is called *Gulielmus Filius Gulielmi de Hume*, and a while after all the ſucceeding Generations are call'd *Hume*; whereas in the other Family, whence they deſcended, there is found *Patricius Filius Patricij Comitis*, *&* *Patricius de Dumbar Comes*, *&* *Patricius Filius Patricij de Dumbar Comitis*, and afterwards they were deſign'd, *Patricius de Dumbar Comes Marchiæ*, when the Sur-name of *Dumbar* became common to all his Deſcendents. Whence it is evident, That the antient Deſcent of Families is not ſo much to be found out by Sur-names, as by their Armorial Bearings, which are far more antient as appears by the Families of *Dumbar* and *Hume*: whoſe Arms differ only in Tincture, the antient Way of diſtinguiſhing Coats, eſpecially in *Scotland*: Thus *Gordon*, *Ridpath*, *Nisbit*, Sur-names taken from the diſtinct Baronies, which they poſſeſs'd in the ſame County, are certainly of one Family, their Arms differing only in Tincture. It is alſo obſervable, That many who agree in Sur-name, are not of the ſame Family, their Arms being antiently very different, and eſpecially ſuch Sur-names as were taken by thoſe of low Fortunes, or vulgar Extract, from mean Trades, as *Smith*, *Wright*, &c. Or from Complexion, as Brown, White, *&c.* there being many Paternal Coats of thoſe Names which have no Affinity, thoſe Trades, Complexions, or accidental Qualifications, as Long, Short, *&c.* being common; and therefore Perſons of ſuch Sur-names, being

being afterwards advanc'd to an higher Rank for their Vertue, had Coats of Arms beſtow'd upon them; and this occaſion'd the *Arma cantanda Rebus*'s, which are ſometimes found. It is likewiſe clear, that thoſe who have Sur-names from Lands in *Scotland*, are deſcended from ſuch Families as were poſſeſs'd of theſe Lands, when Sur-names were aſſum'd, except ſuch as have of late chang'd the Names of their Lands to their Sur-names, which are generally known in the Neighbourhood. Theſe Obſervations, tho' they be taken from the Cuſtom of *Scotland*, will be generally found to hold alſo in *England*, and do certainly denote the Antiquity of Families: Thus *Wharton*, *Widdrington*, &c. Sur-names taken from Baronies, are noted and antient Families in the North; and *Haſtings*, *Berkley*, &c. in the South. The ſame Obſervations hold good alſo in *France*, *Germany*, and *Italy*, and moſt other Countries where Sur-names are in Uſe. That it holds in *France*, is demonſtrable from the Sur-names us'd by the *Normans* at their firſt coming into *England*, when they diffus'd the Cuſtom of taking their Lands for Sur-names more univerſally, as *Dugdale* obſerves, is in the Family of *Berkley*; and the preſent *French* King's Sur-name, *De Bourbon*, is taken from a Town and Caſtle of *Bourbonnois* in *France*. The Sur-name of *Naſſau* is taken from a City and Country of *Weteravia* in *Germany*: and the Sur-names of *Spinola* and *D'Eſt* are taken from Lordſhip's and Cities in *Italy*; and that the famous old *Roman* Sur-names of *Cæſar*, *Balbus*, *Calvus*, *Ænobarbus*, *Naſo*, &c. were taken from accidental Notes, is obvious to every one. Whence it's plain, that Sur-name was not originally the ſame with Sir-name, *i. e.* the Name of the Sire or Progenitor; but Sur-name is *Nomen ſupra Nomen additum*; and tho' according to modern Cuſtom, Sir-name and Sur-name be the ſame, yet antiently it was not ſo; for tho' every Sir-name was a Sur-name, it's evident from the foregoing Obſervations, that every Sur-name was not a Sir-name, *i. e. Nomen Patris additum proprio.*

Surnoſme (Sir *Edward Coke*, in the 2d Part of his *Inſtitutes of the Law of* England, commenting upon 1 *H.* 5. *Cap.* 5. *Stat.* of *Additions*, pag. 666. ſaith) is deriv'd of *Sur (id eſt) ſuper*, and *Noſme* (that is) *Nomen*, *quaſi ſuper Nomen*, becauſe it is ſuper-added to the Chriſtian

Name, which legally is *Prænomen*, in *Latin*, *Cognomen*, *quia conjunctum Nomen*.

This, and much more to the ſame Purpoſe, may be found in *Verſtegan's Reſtitution of decay'd Intelligence*, to which I refer the Reader.

(1) *Capitaneus*

For he, after the antient Manner of the *Lombards* and *French*, receiving and entertaining every Man who was moſt Valiant into his Wars, beſtow'd, as he thought good, upon ſuch of them as by their worthy and faithful Services had well deſerv'd of him, Royalties conſiſting of all manner of Dignities, Lands, and Governments of Provinces. And now began Titles and Dignities to be more plainly diſtinguiſh'd. For the Titles of Dukes and Counts (which with the Antient *Romans* were but the bare Names of Perſonal Offices and Charges) now receiv'd other Cuſtoms; and a Duke (at firſt choſen for his Vertues and noble Acts) they now began to call of his Dukedom, as they did alſo a Marqueſs of his Marquiſate, and an Earl of his Earldom. He who had the Command of People from ſome King, Marqueſs, or Earl, was call'd *Capitaneus* (1), or a Captain; but they who had ſuch Command from Captains, were call'd *Vavaſores* (2), or *Valvaſores* (Vavaſours or Valvaſours); and they who had it from theſe

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Vavaſors, were call'd *Vavaſini* or *Valvaſini* (Vavaſines or Valvaſines;) whereupon this new Beginning of Political Nobility being far and wide diſpers'd thro' the Kingdoms of the Empire, they at length were accounted truly Noble, according to the Manner and Cuſtom of every Place and Country, where either themſelves, or their Anceſtors liv'd, and ſo were grac'd with theſe or ſuch like Privileges.

And theſe be the Things, which, according to the Variety and Alteration of Times, are to be found in the moſt approv'd Authors, concerning the Titles of Honours and Dignities; in recounting of which, this I have thought moſt worthy of Notice, that all the Streams of Nobility (but eſpecially the greateſt and chiefeſt of them) came and iſſu'd out of the Camp; which Degrees of Honour and Nobility, before I compare them with ours, I ſhall in diſtinct Ranks orderly run thro', tracing even the very Original of every one of them.

And firſt of Princes: They in Camps were call'd *Principes*, or Princes (of whom at this Day we every where make ſo great Account) who ſerv'd in the firſt Ranks, excelling others in Strength and Age, and who follow'd the Spearmen, divided into fifteen Bands or Troops, ſo plac'd, as it were, for a Refuge and Relief for them, that if in the Battle the Spearmen ſhould be forc'd to retire, they might in Safety fly to thoſe *Principes*, as to the Principal Men of more approv'd and aſſur'd Service. Hence *Caſtra Principalia*, the Principal Tents, and *Porta Principalis*, the Principal Port, where thoſe *Principes*, or Principal Men, were wont to lye with their Bands, ſo often occur in *Livy*.

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(1) *Capitaneus* is taken either properly, or improperly. Properly taken, in the Feudal Cuſtoms of *Lombardy*, it comprehenſively denotes Counts, and all above Counts, that have Feudal Dignities immediately deriv'd from the Sovereign. The Text of the Feuds is (*Lib.* 1. *Tit.* 1.) *Dux, Marchio & Comes Feudum dare poſſunt, qui proprie Regni vel Regis Capitanei dicuntur* Improperly taken, and with a ſpecial Reſtraint, it ſignifies ſuch, as being neither Dukes, Marqueſſes, nor Counts, are inveſted, either by the Sovereign, or by ſome Duke, Marqueſs, or Count, or ſome State, that hath Power by Infeudation to inveſt of ſome Territory or Feudal Command, or *Qui de aliqua, Plebe vel Plebis parte per Feudum ſunt inveſtiti*, Theſe are alſo *Capitanei*, but improperly; for all ſuch as have none of thoſe greater Titles, and yet have any ſuch Territories, or Commands, immediately from either the Sovereign, or from any of them who have of thoſe greater Titles, were more properly, according to the *Lombard* Cuſtoms, *Valvaſores Majores*, the Great Valvaſours, or *Valvaſores Regis* (if at leaſt immediate to the Sovereign) the ſame with the Barons or *Freeheren* of the Empire. But the better Diviſion antiently of Feudal Dignities amongſt the *Lombards*, was generally into *Capitanei* and *Valvaſores*; the firſt comprehending all thoſe great Titles, the

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other all ſuch as had Territory and Juriſdiction by Feudal Right without thoſe Titles. So it appears clearly in *Otho Friſingenſis (de Geſt. Fred.* 1. *Lib.* 2. *Cap.* 13.) The Original of the Word *Capitaneus* is plain enough; the Signification literally being but as in the Common Notion, *viz.* in *Lege Jurid. Qui alijs praeeſt, ſicut Caput reliquo Corpori*, i. e. One who leadeth or commandeth a Company of Soldiers, and is either General, as he who hath the Governance of the whole Hoſt, or Special, as he who leads but one Band. There is alſo another ſort of Captains, *Qui urbium Praefecti ſunt, quibus Plebs ab aliquo ſuperiorum Gubernanda committitur*, ſo we have Captains here in *England*, as of *Dover*, the Iſles of *Jerſey*, *Garnſey*, *Wight*, &c. This Word *Capitaneus* occurs alſo often in *Petrus de Vineis*, and the Abſtract of it is, *Capitanea* with him (*Lib.* 6. *Epiſt.* 22.) And as *Dux* and *Comes* came to be annex'd to Feuds, ſo did this of *Capitaneus* in *Lombardy*. (*Seld. Tit. Hon.* Part the 2d, Chap the firſt, pag. 360. Sect. 55. *Cowel's Interp.*)

(2) As for Valvaſour, it is not clear enough whence it came, or what it literally denotes. Some would have it *a Valvis*; and Originations of that Kind are too often raſhly admitted; but I have not yet underſtood any other Derivation of it, that is at all like a Truth, beſides *Hotoman's*, and thoſe that follow him, when they conceive it to be made of *Vaſſus*, or *Vaſſallus*, as *Valvaſini* alſo; but how made of *Vaſſus*, or *Vaſſallus*, they tell us not, nor is it worth a further Enquiry. The next Feudal Title to the King's *Thane*, in the *Saxon* Law of Reliefs, is the *Mediocris Thainus*, or Middle *Tham*, as they call'd him, who after the *Normans* was often ſtil'd a *Vavaſour*, a Name that was never Honorary here, but only Feudal. And if the Middle *Thain* were not Honorary, we cannot believe that any of the reſt beneath him were ſo.—— And as the Uſe of *Baron* (as it is Honorary) after the *Normans*, explains the Nature of the King's Chief *Thain* in the *Saxon* Times; ſo doth that of *Vavaſour*, that of a Middle *Thain*. To that Purpoſe we firſt Note here, the Concurrence of the Name, and then the Uſe and Nature of the Title of *Vavaſour*.

The Concurrence of the Names of Middle *Thain*, and *Vavaſour*, appears by that in the *French* Laws of *William* the Firſt *Cap*. 24. *in Not. ad Eadmer*, *pag*. 180.) where, as Earl, King's Thain, and Middle Thain, ſucceeded one the other in the *Saxon* Laws, ſo Count, Baron, and Vavaſour, are us'd by the Interpreters of them.---- And for ſo much as concerns the Uſe of this Title of *Vavaſour* with us, I firſt obſerve here ſome particular Teſtimonies of the Uſe and Continuance of it, and then add my Conjecture of the Nature of it.---- The Uſe and Continuance of the Name of *Vavaſour* was ſuch, that from the *Normans*, till the Time of *H*. 4. it was a Name known; but Feudal only, not at all Honorary. In *Domeſday*, it ſometimes occurs as a Synonimie with *Liberi Homines Regis* (MS. *Suffolk*, Sect. 74.) And in the Laws attributed to *H*. 1. that are yet preſerv'd in the Red Book (*MS. in Scacc. ex parte Rem Regis*) the Perſons, that are reckon'd for thoſe that were to have Place in the County Court, are *Epiſcopi*, *Comites*, *Vice-domini*, *Vicarij*, *Centenarij*, *Aldermanni*, *Præfecti*, *Præpoſiti*, *Barones*, *Valvaſores*, *Tunegravij*, &c, and under the Title there, *De Libertate Valvaſorum*; *habeant Vavaſores qui Libere tenent*, *placita vitam & veram pertinentia ſuper ſuos homines*, *& in ſuo & ſuper alios homines ſi in foris faciendo retenti vel gravati fuerint*.---- Other Laws alſo of the ſame King have this Paſſage, *Si modo exurgat (Lis) de diviſione Terrarum*, *ſi inter eſt Barones meos Dominicos*, *tractetur Placitum in Curia mea*. *Et ſi eſt inter Vavaſores duorum Dominorum*, *tractetur in Comitatu*, *& hoc Duello fiat niſi in ijs remanſerit* (*Cod. MS. vet. Leg.*) *Bracton* mentions *Vavaſours* in the like Form as the Laws of *W*. 1. do; ſpeaking firſt of *Earls*, then of *Barons*, he adds, *Sunt & alij qui dicuntur Vavaſores*, *Viri Magnæ Dignitatis*--- And then, playing with the Word, *Vavaſor enim nihil melius dici poterit*, *quam Vas ſortitum ad Valetudinem*. (*Lib*. 1. *de Rer. diviſ. Cap*. 8. *Sect*. 4.)

And the Author of *Fleta* (*MS. Lib*. 1. *Cap*. 5.) *Sub Regibus ſunt Comites & Barones*, *Duces*, *Milites*, *Magnates*, *Vavaſores*, *& alij ſubditi ut Liberi ut Servi*, *qui omnes ætatem* 12 *annorum ad minus habentes*, *ferre tenentur Regi Fidelitatis Sacramentum*; *alioquin non habebunt Warrantum in terra ejus remanere*. The Lands that a

Vavaſour held, were call'd a *Vavaſory*. *Quod dicitur* (ſaith *Bracton*, *Lib.* 2. *Cap.* 39.) *de Baronia non eſt obſervandum in Vavaſoria & alijs minoribus Feudis quam Baronia, quia Caput non habent, ſicut Baronia.* And that the Uſe of *Vavaſour* continu'd at leaſt until the Age of *H.* 4. appears by that Inſtrument touching the Diſſolution of the Bond of Obedience to King *Richard*.----For whereas in *Thomas* of *Walſingham* it is directed, *Omnibus & Singulis Dominis, Archiepiſcopis, Epiſcopis & Prælatis, Ducibus, Marchionibus, & Comitibus, Baronibus, Militibus, Vaſſalibus quibuſcunq; ac cæteris Hominibus.* The Parliament-Roll (*Rot. Parl.* 1. *Hen.* 4. *Art.* 52.) hath the ſame Syllables, until *Militibus*, and there follows, *Vaſſallis & Valvaſoribus ac cæteris Hominibus:* It is us'd alſo by *Chaucer*, who liv'd in the ſame Time, as a known Word, ſpeaking of his *Frankclin.* Now for the Nature of a *Vavaſour*, tho' we perhaps may ſoon miſs in giving an exact Definition of him, yet it is plain, that he was ever beneath a *Baron*; and it ſeems he was, in the more antient Times, only a Tenant by Knight's Service, that either held of a *Meſne Lord*, and not immediately of the King, or at leaſt of the King as of an Honour or Mannor, and not in Chief, both which excluded him from the Dignity of a *Baron* by Tenure, as all were until about the End of King *John.* And of the ſame Nature I conceive the Middle *Thanes* of the *Saxon* Times to have been, and ſo no ſuch *Thanes* were Honourary, nor their *Thain*-Lands Honourary Baronies (*Seld. Tit. Hon.* Part the 2d, Chap. the firſt, pag. 360. Sect. 55. and Chap. the 5th, pag. 518, 19, 20. Sect. 4.) *Cambden*, that learned Antiquary, ſaith, *Vavaſores aut Valvaſores proximum poſt Barones locum olim tenuerunt:* And again, *Primis etiam Normannorum temporibus & Thaini proximi a Comitibus in Dignitate cenſebantur, & Valvaſores Majores (ſi illis, qui de Feudis ſcribunt, credimus) ijdem fuerunt Barones.* There have been within this Realm, ſince the reputed Conqueſt (to uſe the Words of the Lord Chief Juſtice *Coke*, taken out of the 2d Book of his *Inſtitutes of the Laws of* England, pag. 667. having juſt before given a ſhort Relation of theſe *Vavaſours*) divers other Names of Dignities, which are grown to diſuſe, and in a Manner loſt; as *Vicedomini*, *Vidames*, &c. But ſome do hold, that it had been more fit to have reviv'd ſome of the ancient Dignities, than to have created any of a new Invention.

(1) *Principes*

Next to *Auguſtus* the Emperor, they who in the Emperor's Name govern'd the *Roman* Affairs, were call'd *Principes* (1) *Senatus*, or Princes of the Senate: But afterwards the Emperor would have the Place or Title of a Prince to be a Dignity next to a King's, who amongſt the antient *Saxons* were call'd *Ethelinges* (2), and with us *Clytones*.---- But now it is, as it were, a general Name diverſely given and attributed to many at once, and orderly comprehending in it all the greater Sorts of Dignities; yea, in ſome Places, according to the Manner and Cuſtom thereof, the Title and Dignity of a Prince, is inferiour to the Title and Dignity of a Duke or Earl.

Duces, or Dukes, took their Names from the *Latin* Word *Ducendo*, as if we ſhould ſay, *Ductores*, or Leaders, becauſe they marching before, led on their Followers. Hence we read the *Latin* Phraſe, *ducere Bellum*, *i. e.* to lead War, for *gerere Bellum*, to make War: And ſo, *Hi Bellum aſſidue ducunt cum Gente Latina.*

i.e. theſe Men make continual War with the *Latin* Nation; and they who as Dukes and Generals were Leaders of Armies, were wont to bear ſuch Enſigns as the Conſuls did: Whereupon the Word *Ducatus* ſometimes ſignify'd the Region or County over which the Duke commanded, and ſometimes the military Government and commanding Authority it ſelf. To which Sort of Men, for their honourable and valiant Deeds in the Wars, Triumphal Ornaments were ſometimes given: Amongſt the antient *Germans*, to a General, or Leader of an Army, were aſſign'd 12 Counts or Earls to attend upon him (3). Marqueſſes

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(1) *Principes Senatus.*] The Title of Emperor being ſettled in *Rome*, in the Perſon of *Julius Cæſar*, and continu'd in his Succeſſors, tho' the Emperors had the Subſtance every way of whatſoever is comprehended in Royal Majeſty, yet in the elder Times of the Empire, they purpoſely abſtain'd from the Name of *Rex*, or King, being a Word grown odious to *Roman* Liberty, from the Time that it was caſt out by *Brutus*. In ſolemn Memory whereof they yearly celebrated, on the 7th *Kal.* of *March* (the 23d of our *February*) the Feaſt *Regifugium*. And *Cicero*, tho' he acknowledg'd that *Cæſar* was *revera Rex*, fully a King in Subſtance, yet upon the Hate that continu'd of that Title, he tells us, that *Regem Romæ poſthac nec Dij nec Homines eſſe patientur (de Divinat. Lib. 2.)*; and to palliate

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palliate ſome Part of his Ambition, *Cæſar* himſelf being ſaluted King by the Multitude, but withal perceiving that it was very diſtaſteful to the State, by the Tribunes pulling off the white Fillet from his Laurel, anſwer'd, *Cæſarem ſe, non Regem, eſſe*; refuſing utterly alſo, and conſecrating the Diadem, which *Antony* would have often put on his Head, to *Jupiter*.--- For the ſame Reaſon did *Octavian* abſtain from the Name of *Romulus*, which yet he much affected. Alike was the Diſſimulation of the next *Tiberius*, under whom were *eadem Magiſtratuum vocabula* (as *Tacitus*'s Words are) which were before, but the Sum and Sway of Things was ingroſs'd, and cunningly kept under one, differing in Name, not in Nature, from a King, as was obſerv'd alſo by him, who ſubſcrib'd *Julius*'s Statue with,

> *Brutus, quia Reges ejecit, Conſul primo factus eſt,*
> *Hic, quia Conſules ejecit, Rex poſtremo factus eſt.*

But alſo *Princeps*, and *Principatus*, and *Principium*, were proper Names for them and their Greatneſs; *Auguſtus* (ſaith *Tacitus*) *cuncta diſcordiis civilibus feſſa Nomine Principis ſub Imperium accepit*: And *Suetonius* of *Caligula* thus, *Nec multum abfuit quin ſtatim Diadema ſumeret, ſpeciemq; Principatus in Regni formam converteret*; that of *Princeps* being taken only to ſupply the Name of *Rex*, to ſave them from the Envy which it would have drawn on them, there being alſo the like Original of *Princeps* for them, as there was of *Imperator*; for as the one came to denote the Supremacy in the State, out of the Uſe of it in the Army, ſo the other to ſignify the ſame Thing, out of the Uſe of it in the Senate: for the Title of *Princeps Senatus* (which was known familiarly in *Rome*, and ſo might be us'd without Envy) furniſh'd *Auguſtus* and his Succeſſors with the Title of *Princeps*, as it had Relation to the whole Common-wealth. (*Seld. Tit. Hon.* Part the firſt, Chap. 2d. pag. 12 and 13. Sect. the 2d.)

(2) *Edlingi*, or *Ethellingi*, *ab Edel*, or *Ethel*, Noble, and Ling, or ing, a Patronimick, as ſome, or a Termination only, as others would have it; generally it ſigni-

fy'd all ſorts of the Nobility, but ſtrictly with us the King's eldeſt Son and Heir of the Kingdom; (*Dr.* Brady's *Hiſtory of* England, *Firſt Part of the* Saxon *Hiſtory*, Lib. 2. Pag. 82.)

(3) *Tacit. de Mor. Germ.*] So that the Dukes in the Army were like Colonels, and the Earls like Captains.

(1) *Celtæ.*]

Marqueſſes were ſo call'd of a certain Juriſdiction, bound to ſome certain Place: So he who had the Command and Government of any Frontier Territory, or Sea-Coaſt, was call'd *Marchio*, or a Marqueſs; the General alſo of the Kingdom or for the King, was ſometimes alſo call'd *Marchio* (or a Marqueſs) and they who receiv'd of them Fees were properly accounted the *Valvaſores* of the King or Kingdom, as Men ſtanding with the Generals *ad Valvas Regni*, at the Gates and Entrances of the Kingdom.

Others there be who go about to derive the Word *Marchia* from *Marcha* (a Word of the *Celtes*) (1), from whence alſo the Word *Marchare* (in *French*) to ride, and the *Marchomanni* (2) as a People who excell'd in good Horſeman-ſhip.

Now of Counts and Earls, as there were divers Kinds, ſo of them amongſt the antient Writers are found divers and ſundry Sorts and

Orders; ſuch as amongſt the reſt were *Comites Sacri Palatij* (3) or Counts of the Sacred Palace; *Archiatri* (4) or Principal Courtiers; and *Comites Stabuli* (5) or Conſtables. For *Deſiderius* (as I have formerly noted) being from a Conſtable choſen and appointed by the *Lombards* King of *Italy*, was ſlain by *Charles* the Great. Hiſtory alſo obſerves (6) that he ſent *Burchardus* the Conſtable with his Fleet to *Corſica*.

There

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(1) *Celtæ.* The *French* properly ſo call'd.

(2) *Marchomanni,*] A People of antient *Germany*, call'd by *Regino* (an Abbot of *Prume*, or *Pryym*, of the Order of St. *Bennet*, in the Foreſt of *Ardenna*, between the Electorate of *Triers*, and *Luxemburg*, belonging to the Dioceſs of *Treves*. He liv'd about the End of the 9th Century, and in the Beginning of the 10th was oblig'd to leave the Government of his Monaſtery, ſince which Time the Elector of *Triers* has it, with a Confirmation thereof in the Diet of *Ratisbone* in 1654. He writ a Chronicle from our Saviour's Birth till towards 908; which he afterwards carried on to 967, or 972: In this Book are ſet forth the Principal Actions of the *French*. He writ alſo another Treatiſe *de Diſciplinis Eccleſiaſticis & Religione Chriſtiana.* This laſt Work was firſt Printed in 1659 at *Helmſtadt*, in the Dutchy of *Brunſwick*, from a MS. in that Univerſity, and ſince re-printed more correct, and enlarg'd in 1671, with very Learned Notes upon it) *Marabenſes*, from *Marbera*, which (probably) was their Country. *Cluverius* ſaith, that they dwelt between the Rivers *Rhine*, *Danube*, and *Neckar*, and from thence paſs'd into *Bohemia*, with the *Seduſians* and *Herules.*

From that Time they often revolted againſt the *Romans*, and chiefly under *Marcus Antoninus*. Several antient Authors make Mention of them.

(3) *Comites Sacri Palatij.*] Theſe Earls had a larger Juriſdiction than others, for they adminiſter Juſtice in the Prince's Abſence, and in weighty Affairs.

(4) *Archiatri.*] *Archiater & Archiatrus.* Ἀρχίατρος, *ut ſit vel* Ἄρχων Ἰατρὸς: *vel quod Caſaub. vult* Ἄρχοντος Ἰατρὸς *Principis Medicus*, the Emperor's Phyſician, and *Comes Archiatrorum* was the Chief or Preſident of the Emperor's Phyſicians.

(5) *Comites Stabuli.*] *Comes Stabuli*, Maſter of the Horſe to the Emperors. He was call'd *Tribunus Stabuli*, under the Emperors *Conſtantine* the Great and *Julian*: The *Italians* in latter Ages, call'd the Lieutenant General of the Horſe, Conſtable; and ſometimes gave this Name to Officers as low as a Captain.

(6) Hiſtory alſo obſerves] *Regino* (*qui floruit An.* 1010.) *ait. viz. Burchardum, Comitem Stabuli ſui, quem corrupte Conſtabulum appellamus, cum Claſſe miſit in Corſicam.* (Spelm. *Gloſs.*)

(1) A

There were alſo *Comites Militum*, or Counts of the Soldiers, of whom the *Romans* would have always two reſiding in the *Eaſt*, who were thereof ſometimes call'd *Comites Orientis*, or Counts of the *Eaſt*. And in ſhort there were Counts of Provinces, ſuch as were the Counts of *Spain*, *Britain*, and of the *Saxon* Coaſts in *Britain*.

The *Guſtaldus* in *Italy*, and a Count ſeem in antient Time to have been all one; there are

ſome

[illegible] Time to [illegible].

[illegible] Beginning [illegible] the Court [illegible] of his [illegible] Viscount; [illegible] and his [illegible].

[illegible] or Barons, were so [illegible] the *Romans*, [illegible] were merly [illegible] a *Latin* (1) [illegible] his Friend [illegible] *Barones*, te [illegible] brought you [illegible] and the [illegible].

[illegible] the Greek Word Βαρὺς [illegible] will, if [illegible] Learned Lawyer [illegible] accounted as [illegible] (2) calleth them [illegible] of War, and by [illegible] to be a Man, ha[illegible] Power and Authority [illegible] all Offenders what[illegible] the lowest. But it sufficeth ſiceth now concerning theſe Things to have ſaid thus much, as purpoſing of the ſame to ſpeak more at large hereafter. And now let me come nearer to the Matter, by comparing of antient Things with others of later Date, to the Intent that by applying of thoſe Things of Antiquity to this our Age and Time, the Reaſon, as well of the Names, as of the Dignities themſelves, may the better and more manifeſtly appear.

As

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(1) *A* Latin *Word.*] Let's ſee how *Selden* derives this Word *Baro.* He having juſt before ſo interpreted thoſe Names by which they denote a Baron in *High-Germany*, that their Signification is thence ſufficiently known, proceeds to the Etymology of the Word *Baro*, in theſe Words, *viz.* But whence their *Latin* Word *Baro*, which hath alſo been diſpers'd through *Europe*, comes, and what it ſignifies, is a Queſtion much controverted among ſuch as are content to be too troubleſome to themſelves in ſo needleſs a Diſputation. Some will have it from *Barones*, us'd in *Cicero (Epiſt. ad Attic. Lib.* 9. *Ep.* 11.) and *de Finibus Lib.* 2.) and *Baro* in that of *Perſius*, (*Satyr* 5.)

Baro reguſtatum digito terebrare ſalinum
Contentus perages, ſi vivere cum jove tendis.

Where the old Scholiaſt *Cornutus* reads *Varo*, and tells us that *Varones dicuntur ſervi militum; qui utiq; ſtultiſſimi ſunt, ſervi ſcilicet ſtultorum.* But doubtleſs both in *Perſius* and *Cicero*, *Baro* is taken for a ſtupid, contemptible and blockiſh Fellow. And *Concurritur* (ſaith *Hirtius de Bello Alexandrino*, ſpeaking of the Violence offer'd by *Minutius Silo*) *ad Caſſium defendendum. Semper enim Barones* (or *Berones*) *compluresq; evocatos cum Telis ſecum habere conſueverat.* Here *Barones* (or *Berones*) ſeem ſome alſo who believe a Count in old Time to have been call'd *Comarchus.*

The Name of a Viſcount ſheweth a Beginning not to be doubted of; for he to whom the Count in the Camp committed the Authority of his Juriſdiction, was call'd *Vice-Comes*, or Viſcount; as were in antient Time the Proconſul, and his Lieutenant or Deputy.

But whence the *Barones*, or Barons, were ſo call'd, is yet a little doubtful; for to the *Romans*, as concerning their Dignity, they were utterly unknown, tho' ſome affirm it to be a *Latin* (1) Word, by that Saying of *Cicero* to his Friend *Atticus*; *Apud Patronum reliquoſq; Barones, te in Maxima gratia poſuit, i. e.* he brought you into great Favour with your Patron, and the reſt of the Barons.

Others obtrude to us the *Greek* Word Βαρὺς which ſignifieth Grave: But be it as it will, if Credit be given to our moſt Learned Lawyer *Bracton* (2), the Barons were ſtill accounted as moſt Valiant Men, for he (2) calleth them *Robora Belli*, or the Strength of War, and by *Baldus* (3) a Baron is defin'd to be a Man, having from his Prince the Power and Authority of correcting and puniſhing all Offenders whatever, from the higheſt to the loweſt. But it ſufficeth

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ficeth now concerning theſe Things to have ſaid thus much, as purpoſing of the ſame to ſpeak more at large hereafter. And now let me come nearer to the Matter, by comparing of antient Things with others of later Date, to the Intent that by applying of thoſe Things of Antiquity to this our Age and Time, the Reaſon, as well of the Names, as of the Dignities themſelves, may the better and more manifeſtly appear.

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> *Baro reguſtatum digito terebrare ſalinum*
> *Contentus perages, ſi vivere cum jove tendis.*

Where the old Scholiaſt *Cornutus* reads *Varo*, and tells us that *Varones dicuntur ſervi militum; qui utiq; ſtultiſſimi ſunt, ſervi ſcilicet ſtultorum.* But doubtleſs both in *Perſius* and *Cicero*, *Baro* is taken for a ſtupid, contemptible and blockiſh Fellow. And *Concurritur* (ſaith *Hirtius de Bello Alexandrino*, ſpeaking of the Violence offer'd by *Minutius Silo) ad Caſſium defendendum. Semper enim Barones* (or *Berones) compluresq; evocatos cum Telis ſecum babere conſueverat.* Here *Barones* (or *Berones*) ſeem to denote mercenary Soldiers; and to that Purpoſe *Mercenarij ſunt* (ſaith *Iſidore*, *Orig. Lib.* 9. *Cap. de Civibus) qui ſerviunt accepta Mercede; Iidem* & *Barones Græco nomine quod ſint fortes in Laboribus.* And in an old *Arabick-Latin* Gloſſary, we read *Barones fortes in laboribus*, which teaches us to mend *Iſidore*'s Gloſſary, where it is Printed *Bargines fortes in bello.* In ſome other Gloſſaries *Baro* is turn'd Μίσος or hatred, and *Baroſus*, diſdainful or curriſh; but how from any of theſe Significations, it can be brought to denote the Dignity we ſpeak of, I underſtand not. Others will have it, I know not why, from the *Hebrew* Bar בר that is a Son. But clearly they only derive it from the true Root, that make it from *Bar*, *Barn*, or *Bern*, as in ſome of the *Northern* Languages, which diſpers'd themſelves into *Europe* upon the Incurſions of the *Goths* and *Vandals*, and the reſt of that Kind, it ſignified a Man, and in that Senſe as it denotes the Sex as *Vir* doth, and not as *Homo* may; or rather as *Homo* doth in a common and moſt uſual Acceptation, when it expreſſes the Male Sex only, as in the Provincial Languages that have *Hommes*, *Huomini* & *Hombres* (all made of *Homines)* for Men only. That *Baro* did ſignifie ſo much, is juſtified not only from thoſe old Gloſſaries which have *Baro* interpreted by Ἀνὴρ or *Vir*, but alſo by this that both in *Picart French*, and with us in our Law *French* (for all or moſt of the Tongues of *Europe* had ſomething from thoſe *Northern* Languages, and in this Particular we ſee the Word *Baron* almoſt in every State of *Europe) Baron* and *Femme* denote the ſame with *Vir* and *Fœmina.* And in the Laws both of the *Salians*, *(Tit.* 33. *de via Latina) Alemans*, *(Tit.* 76. *and* 95.*)* & *Ripuarians*, *(Tit.* 58. *Sect.* 12.*) Baro*, or *Barus* and *Fœmina* occur for a Man and a Woman. The Word thus ſignifying a Man came by Application to be reſtrain'd to a Dignity, as *Dux* and *Comes* from their common Signification did, and as alſo *Miles* for a Knight often, ſometimes for a Gentleman, as in the Feudal Laws. And thence was it, that the Word *Barones* is ſometimes us'd alſo in *Latin* Writers for ſome great Officers under the *Grand-Signior*, in whoſe State we are ſure the Title was never any Honorary Dignity, as it is, and long hath been in the Chriſtian States, where ſuch, as had none of thoſe Superior Titles of *Dux*

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As the Empire of the *Greeks* was by the *Turks* overthrown, and reduc'd to nothing, even ſo was the Empire of the *Weſt* by the Cunning

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or *Comes*, and yet had their Territories given them under the Tenure of Homage, or becoming the Men (as the Phraſe is in *England*, eſpecially to this Day in Homage) or the Barons of the Emperor, that gave them their Territories or Towns with Juriſdiction in them, were afterwards call'd *Barons*. And altho' the Name be ſo Antient, and it ſignifies a Man, and *Barones noſtri* occur in the *Lumbard* Laws (*Longobard. Lib.* 1. *Tit.* 13. *L. Unic.*) for the King's Men, yet it ſeems the Annexing of the Name of Baron to Feuds, and the Reſultance of a Dignity out of that Annexion, was not common till in the following Times of the Empire, when other Feudal Dignities alſo grew frequent out of ſuch an Annexion, as is before ſhew'd. And fit alſo the Name of Baron with their *Fryen Fryherren*, ſome Learned Men tell us that in Old *Dutch*, *Bar*, which ſignifies a Man, or Man-Child, is juſtly interpreted alſo by *Frye* or Free. (*Tit. Hon.* Part the 2d, Chap. the 1ſt, Pag. 354,-55, and-56. Sect. the 52d.) *Baro a Bar, Germanica Lingua Liberum & ſui juris Significat.* (Co. *Inſtit.* 4. Pag. 5.)

(2) *Bracton*] *Henry*, born in *Devonſhire*, was a famous Lawyer of this Land, renown'd for his Knowledge in the Civil, Common and Canon Laws (as appeareth by the Book written by him, entitul'd *De Conſuetudinibus Angliæ*, Printed at *London*, Anno. 1640, and ſeveral other Books every where extant) being Doctor in the firſt and laſt. He liv'd Temp. *H.* 3. and as ſome ſay was Lord Chief Juſtice of *England*. He died about the Year, 1249.

(2) Lib. 1. Cap. 8. Num. 4.

(3) Who lived in the fourteenth Century, and was one of the moſt eminent Lawyers of his Time.

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and Ambition of the *Roman* Biſhops rent aſunder and weaken'd; the former Greatneſs whereof, the very Ruins do now ſcarcely declare: However, its Majeſty is ſtill by the Seven Princes Electors (by the *Germans* call'd *Corverſtein*, and which are now Nine in Number) to the Ornament of the Chriſtian World upheld and maintain'd. The *Septemvirate* (1) of *Germany*, the Emperor *Otho* (2) the 3d, and Pope *Gregory* (3) the 5th ordain'd in the Year 960; to whom afterwards the Emperor *Charles* the 4th engag'd the Revenues of the Empire (having promis'd to every one of the Electors 100000 Crowns) that he would appoint *Wenceſlaus* (4) his Son Heir of the Empire; but the Money being not paid, it came to paſs that the Patrimony of the *Roman* Common-wealth, which was appointed to the Uſe and Maintenance of the Wars (and for that only Cauſe ſubject to Alienation) was privately diſtributed and divided amongſt them, to every one of them a Part, whereby the Power of the Empire was afterwards almoſt brought to nothing; the Seven Princes Electors of *Germany* keeping all to themſelves, and compelling the Emperors by Oath not to revoke the Lands and Pawns before engag'd.

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(1) *Septemvirate.*] For a Light into this Matter, take what follows out of *Selden*'s Titles of Honour, and *Moll*'s Geography. (*Selden* ſaith) For that Title of Elector, which is in the Three Arch-Biſhops of *Mentz*, *Triers*, (call'd by the *French Treves*) and *Cologn*; and in the King of *Bohemia*, the *Pfaltzgrave* of the *Rhine*, the Duke of *Saxe*, and the Marqueſs of *Brandenburgh*; the Nature of it is well enough known out of the Election of the Emperor, and eſpecially from the Golden Bull of *Charles* the 4th. The Original of it hath been variouſly deliver'd; ſome attributing it to Pope *Gregory* the 5th, and *Otho* the 3d; others to *Gregory* the 10th. And the Diſcourſes of it in *Baronius*, *Scardius*, *Knichen*, *Onuphrius*, *Goldaſtus*, *Binius*, *Cubachius*, and others of leſs Name, are obvious enough; neither will I here diſpute it after them; nor if I ſhould, could I make a better Concluſion than ſome Lawyers of the Empire, that eſteem all ſuch Opinions, as place the Original of the Princes Electors in this or that particular Time, to be grounded only upon meer Conjectures, without warrant enough to make a clear Inference; and that the Truth is, there is no kind of other Certainty of it than thus, that by a tacit Conſent of the States, and of the Empire (ſince it came into *Germany*) this *Septemviral* Election hath been receiv'd, and that ſo the Dignity of Electorſhip hath been ſettled by the ſame Conſent upon thoſe Three Eccleſiaſtical and Four Secular Princes. But when or at what Time this was firſt ſo receiv'd is not deliver'd in any Teſtimony that is certain enough to decide the Controverſy. (Thus far *Selden. Tit. Hon. Part the Second, Chap. the Firſt, Pag.* 360, *Sect.* 54.)

Now for *Moll*'s Relation; he ſaith, at what Time, or by what Means theſe Princes firſt obtain'd the Electoral Power, is not certainly known. The common Opinion is (which 'tis not amiſs, I have chim'd in with in the Text) that the Emperor *Otho* the 3d, and Pope *Gregory* the 5th inſtituted them. But this is diſputed, and many Learned Men are of Opinion, that tho' it be true, that from the Time of *Otho*, the Empire was Elective, yet that the Elections were not made by theſe ſeven Princes only, but by the great Officers of the Empire in general; of whom theſe being the Chief, and moſt conſiderable by their

Eſtates, made a ſhift to over-top the reſt, and aſſume that Power wholly to themſelves; this is dated from the Time of *Frederick* the 2d, and *Conrad* the 4th; at the Death of the laſt of which, ſeveral Elections were made at the ſame Time, and the Affairs of *Germany* put into great Diſorder thereby. But theſe Princes having Power enough to repeal this Act, made it a Cuſtom; which was at laſt paſt into a Law by the Emperor *Charles* the 4th, who made that famous *Bulla Aurea* (ſo call'd from the Golden Seal affix'd to it.) That contains in Thirty Chapters the Form of the Election, and Power of the Electors. It is call'd alſo *Caroline*, on *Charles* the 4th's Account. The Number of theſe Electors were then but Seven, to whom an Eighth was added in this Age on the following Occaſion: *Frederick* the 5th, Count *Palatine*, falling into Difference with the Emperor, and accepting of the Crown of *Bohemia* in Oppoſition to the Pretenſion of *Ferdinand* the 2d, was by him proſcrib'd, and being defeated at the Battle of *Prague* in the Year 1620, was depriv'd of his Country and Honours, which the Emperor beſtow'd upon the Duke of *Bavaria*: But great Conteſts and Wars enſuing thereupon, it was at laſt agreed in the *Weſtphalian* Treaty *A. D.* 1648, that the Count *Palatine* ſhould be reſtor'd to his Electoral Dignity. But becauſe the Duke of *Bavaria* could not be brought to part with his, an eighth Electorate was erected for him, and Part of his Country, *viz.* The Lower *Palatinate* being reſtor'd, he has ſince had the Title of Elector *Palatine* of the *Rhine*, and the eighth Seat in the Electoral College. To this Number there has been yet another added very lately, *viz.* in the Year 1693, and by the Emperor's Favour conferr'd on *Erneſtus Auguſtus*, Duke of *Brunſwick-Lunenburgh-Hanover* (which Dignity and Power are now poſſeſs'd by our only Rightful and Lawful Sovereign King *George*, whom God long preſerve, and whoſe Royal Family I heartily wiſh may Reign Kings and Queens of theſe Realms till Time ſhall be no more) ſo that now the Electoral Princes are Nine in Number, and ſtand thus, *viz.* 1ſt, The Arch-Biſhop of *Mentz.* 2d, Of *Triers.* 3d, Of *Cologne.* 4th, The K. of *Bohemia.* 5th, The Duke of *Bavaria.* 6th, The D. of *Saxony.* 7th, The Marqueſs of *Brandenburgh.* 8th, The Count *Palatine* of the *Rhine.* 9th, The Duke of

Brunſwick-Lunenburgh-Hanover, now his Preſent moſt Sacred Majeſty King *George*. Theſe Princes have much greater Authority, and enjoy larger Privileges and Rights than the other Princes of *Germany*. Thus (I hope) from *Selden* and *Moll* the *Septemvirate* of *Germany* is fully explain'd to the Satisfaction of the Curious Reader.

(2) *Otho*] Surnam'd the Red, and Wonder of the World.

(3) *Gregory*] A *German*, was made Pope by the Authority of the Emperor *Otho* the 3d, but upon that Emperor's Return into *Germany*, the Clergy and People of *Rome* depos'd this Pope, and ſet up *John* the 18th or 17th. Hereupon *Gregory* went and complain'd to the Emperor, who being exceedingly incens'd againſt the *Romans*, came againſt them with an Army, took the City of *Rome*, ſeiz'd Pope *John*, and caus'd his Eyes to be pluck'd out, whereof he died. This *John*, having had a great deal of Money, brib'd the People of *Rome* to make him Pope; upon which Occaſion *Mantuan* (Lib. 3. *Calamitatum*) ſays thus,

Pernices mercantur equos; Venalia Romæ
Templa, Sacerdotes, Altaria, Sacra, Coronæ,
Ignes, Thura, Preces, Cœlum eſt Venale, Deuſq;.

which is as much as to ſay that every Thing is to be ſold at *Rome* whether Sacred or Prophane, and even God himſelf. *Platina* call this Pope *John* a Thief, who dying after the Manner before related, *Gregory* the 5th became Pope again. He died in the Year 998, or as others ſay, 997. It may here be obſerv'd, that the aforeſaid Pope *John* the 18th is by ſome not reckon'd among the Popes.

(4) *Wenceſlaus*] *Venceſlas* or *Venceſlaus*, the 4th Emperor and King of *Bohemia*, was Son to *Charles* the 4th, who willing to have him enjoy the Crown, after his own Death, motion'd it to the Electors, and had him crown'd King of the *Romans*, by promiſing each the Payment of 100000 Crowns; ſo *Venceſlas* ſucceeded his Father in 1378; but being by his Negligence in Buſineſs, and the many Vices he was addicted to, thought unworthy of the

Place, he was depriv'd thereof, and *Frederick* Duke of *Brunſwick*, and afterwards *Robert* choſen in his Place. In the mean time *Venceſlas* withdrew to *Prague*, where he continu'd his idle and debauch'd Life until he died of a Palſie in 1419.

(1) The

And Kings, to whom it was a pleaſant Thing to be deliver'd from another Man's Power and Command, erected to themſelves Monarchies ; but they who in the ſecond Place, next to the King and King's Son, are, according to the Form of the Emperor's Army, call'd Dukes. The Title of an Arch-Duke (1) is but one, ſolely and peculiarly belonging to the Houſe of *Auſtria* (2), devis'd by the Emperor *Frederick* (3) to grace his Nephew *Philip* withal, when he was to marry *Joan*, the Heir of *Spain*.

The

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(1) The Title of Arch-Duke is in thoſe of *Auſtria*, the Syllable Arch being but the ſame, that is in Arch-Biſhop ; tho' it denote in Arch-Duke an Excellency or Pre-eminence only, not a Superiority or any Power over other Dukes, as in Arch-Biſhop it doth over other Biſhops. That of Arch in *Archiatrus* in the old Empire is a juſter Example of it. When it began to be fixt in the Duke of *Auſtria*, is uncertain. In the Acts of the General Council of *Conſtance* (*Tom.* 3. *Concil.* Part. 2. Pag. 861, and 909) held in 1414, the Title of *Dux Auſtriæ* is frequent, but not *Archi-Dux*. Neither doth D. *Albert* ſtyle himſelf otherwiſe in his Letters to the Council of *Baſil*, (*Tom.* 4. *Concil.* Part. 1. Pag. 235. *Dux item Auſtriæ dictus Maximilianus*, *Anno* 1480, *in inſtrumento illo quod ad*

Nuptias, inter Philippum Cadreleſij Comitem, Filium ejuſdem Maximiliani, & Annam Edwardi quarti Regis Angliæ Filiam, Contrahendas Spectabat ; neq; alibi eodem ævo, ut videre eſt in *Rot. Franc.* 20. *Ed.* 4. *Membr.* 8. and) about 20 Years after. But ſome refer the Original of it to *Albert* (eldeſt Son of the Emperor *Rodolph* the 1ſt) whom, they ſay, his Father created into that Title at *Norimbergh* in 1284. Others fetch it from the Time of *Frederick* the 3d. And ſome will have the Title of Arch-Duke there as antient as the Title of Duke, and that *Henry* being created by *Frederick* the 1ſt, beſides the extraordinary Privileges and Charters of Dignity then ſettled in him, was honour'd alſo, tho' not in the Preſent by expreſs Words, yet in the Title that was publickly given him, with the Name of Arch-Duke ; and that it hath thence continu'd. So *Cuſpinian. eſt* (ſaith he) *a Frederico Imperatore Magnis Libertatibus, Immunitatibus ac Privilegijs ſupra alios Principes Imperij donatus, quæ extant ac circumferuntur, inſignitus præcipue pileo Ducali crinito qualis fuit apud Romanos Corona Roſtrata ; tum veſte principali, qui quidem Habitus Regius eſt, & inde Archidux dictus eſt :* That *Pileus Ducalis Crinitus*, of which he ſpeaks, is the *Pileus Ducalis circumdatus ſerto pinnito* in Patent ; and no other than a kind of a radiant or pointed Crown, whereunto afterwards theſe Arch-Dukes had a Privilege to add a Croſs: So I underſtand that in the Charter of Liberties granted to *Frederick* Duke of *Auſtria*, by the Emperor *Frederick* the 2d, in 1294. *Concedimus* (ſays the Emperor *Cuſpinian. Auſtr.* Pag. 34.) *Noſtro illuſtri Printipi Duci Auſtriæ Crucem noſtri Diadematis, ſuo Principali Pileo ſufferendam.* But in the Charters of the Emperors, the Title of Arch-Duke occurr'd not, as expreſly given to thoſe of *Auſtria*, for many Years after the Creation of the firſt Duke there, as eſpecially we ſee in that (*Petrus de Vineis.* Lib. 6. Epiſt. 26) by which Duke *Frederick* was created into the Title of King by the Emperor *Frederick* the 2d. Nevertheleſs, the Title of Arch-Duke (as communicable to thoſe who were the more eminent Dukes of the Empire) is antienter in the Empire, than the Title of Duke is in *Auſtria*. That we ſee expreſly in that Charter of the Creation of the firſt Duke of *Auſtria*, where *Archiduces Palatini*, for the Chief Dukes of the Court are remembred, and divers Ages before. *Witichind*, King of *Saxony*, being Conquer'd by *Charles* the Great, was call'd Arch-Duke of *Saxony*, if my Author (*Beſold. Politic. diſcurs.* 4. Cap. 3. Sect. 7.) deceive not. *Bruno* alſo being Arch-biſhop of *Cologne*, was made Duke of *Lorrain* by his Brother *Otho* the Great, and wrote himſelf Arch-Duke, where the Name of Arch-Duke is obſerv'd to have been firſt us'd, but ſo that none of his Succeſſors in *Lorrain* imitated him. *Non ante ea vox aut Dignitas* (ſaith *Lipſius Lovan.* lib. 1. cap. 9.) *nec in Lotharingia quidem poſt illum hæſit.* And he gives his Fancy, both whence this *Bruno* us'd it, and whence *Auſtria* might take it. *Opinor ſolo Archiepiſcopi nomine motum* (ſo are his Words) *& viſum ei decorum illud Archi etiam in ducen transferre. Exemplum quidem (quod ſciam) ante non fuit, & illi Auſtriæ diu poſt uſurparunt, mirum ni iſto præeunte. Etſi fortaſſe alia etiam cauſa aut jus; nam & inſignia Lotharingiæ iidem Auſtriaci gerunt.* Some alſo tell us of a Cuſtom in *Germany*, *ut cum Filij appellentur Duces, eorum tamen Primogenitus frater appelletur & vocetur Archidux*; and this is affirm'd for a Truth, by *Knichen* Chancellor of the Dutchy of *Saxony*. But in others (*Beſold.Polit. Diſcurſ.* 4. Cap. 3. Sect. 7.) of the Empire, I read that the Emperors have denied this Title to all (tho' ſome have importun'd them for it) ſaving to thoſe of *Auſtria*.

But alſo the Title of Arch-Duke was once in the Kingdom of *Naples*; for *Charles* the VIIIth of *France*, being King of *Naples*, created *Gilbert* of *Bourbon*, Count of *Mompenſier* and his Lieutenant-General of the Kingdom, into the Title of Arch-Duke of *Seſſa*, who to diſtinguiſh his Dignity, from a Prince as above it, and a Duke as beneath it, put over his Arms, on a Ducal Cap, the whole form of a Prince's Crown, excepted only that the Points of it were not Pearl'd (*Seld. Tit. Hon.* Part 2*d.* Chap. 1*ſt.* Page 299, 300, 301, 391, 392.) The Privileges of an Arch-Duke among others are, *viz.* that he receives his Inveſtiture from the Emperour, or his Ambaſſadours, with the Ceremony of the Sword, within his own Territories: He receives it ſitting on Horſeback, cloath'd in a Royal Mantle, having a leading Staff or Truncheon in his Hand, and a Ducal Crown upon his Head. He is by Birth

Chief of the Emperor's Council, and cannot be Proſcrib'd or Baniſh'd. All Attempts againſt his Perſon are puniſh'd with the Penalties of High Treaſon; and, he adminiſters Juſtice within his own Territories without Appeal, by virtue of a Privilege granted by *Charles* the Vth.

As in *Germany* the Dukes of *Auſtria* are eſpecially Eminent by the Title of Arch-Duke, ſo in *Italy* are thoſe of *Florence*, by that of Great Duke, or *Gran Duca*, or *Magnus Etruriæ Dux*. But this began in *Coſmo di Medicis*, Duke of *Florence*, who was Created into it in the Year 1559, by the Bull of *Pius Quintus*, when he would have made him a King, but that the Emperor *Maximilian* the Firſt (*Bodin. de Rep.* lib. 1. cap. 9.) allow'd that Name to none in *Italy* beſides himſelf. The Bull of Creation was ſent to the Duke of *Florence* by *Signior Michaele Bonello.* The Name of Great Duke, or *Wielkie Kſiaze*, is alſo us'd by the King of *Poland*, in his Stile of ſome of his Dutchies, and not from any particular Inſtitution. Nor was it by Creation, that the Title of Great Duke was given to thoſe of *Burgundy* and *Sileſia* antiently; yet in the States of the Empire, before *Goldaſtus*'s Conſtitutions, and elſewhere, they are reckon'd by that Name, together with *Magnus Dux Lithuaniæ.* This Quality of Great Duke is given alſo to the Princes of *Muſcovy*, who antiently us'd no other Title than *Weliki Kneſi*, that is, in the *Ruſſian* Language, Great Dukes, tho' of latter times they have had the Title of Emperor, or *Czar* (in imitation of *Cæſar* in the Weſtern Empire, whereof *Czar* is a Contraction) which *Baſilius*, who was Duke about 1520, firſt aſſum'd to himſelf; yet this Title he us'd not to all Princes. In his Letters to the Emperor, the Pope, the Kings of *Swethland* and *Denmark*, the Governors of *Pruſſia* and *Livonia*, and to the Great *Turk* he us'd it, but not to the *Polonian*. Becauſe (as my Author ſays, *Sigiſmund. Com. Rer. Muſcovitic*, and *Gagu. Muſcovit.* cap. 5) neither of thoſe Princes would endure any new Title in each others Letters, altho' this *Baſilius*'s Son, *John Baſiliowick* in his Letters to the King of *Poland*, call'd himſelf *Czar*, *i. e.* Emperor or King, but he was never re-Saluted by the *Polack* by other Name than Great Duke, as *Gaguin* tells us. At this Day his Succeſſors uſe the Name of Emperor, or *Imperator totius Ruſſiæ*, or *Magnus Dominus* (*Poſſevin* in Moſcovia pag. 281, Edit. in 8vo. 1687. The Ruſſian Common-Wealth, pag. 19. Londini 1591) *Czar atq; Magnus Dux totius Ruſſiæ, &c.* or *Dei Gratia Imperator et Magnus Dux totius Ruſſiæ atq; univerſorum Tartariæ Regnorum, aliorumq; plurimorum Dominiorum Monarchiæ Muſcovitica Dominus et Rex,* as I read in Letters of ſafe Conduct (*Dat.* 28. *Decemb.* 1605) given by the laſt *Demetrius*, who Subſcrib'd himſelf *Demetrius Imperator*. Other Princes give this Emperor ſometimes the ſame Title (*Lit. Reg. Elizabeth ap Hackluet.* part 1. pag. 339) but the neighbouring Princes Stile him uſually but Great Duke (*Seld. Tit. Hon.* part 2. chap 1. pag. 301, 306, 310, 311, Sect. 31. part 1. chap. 2. pag. 19. Sect 5.) So that the Title of Great Duke is due and given only to thoſe two Chriſtian Princes, of *Tuſcany* and *Muſcovy*, and to none other in the whole Chriſtian World beſides.

(2) The Circle of *Auſtria* is ſeated between *Bohemia* and *Moravia* on the *North*, the Dominions of the Republick of *Venice* on the South, *Hungary* on the Eaſt, and *Bavaria* on the Weſt, and comprehends the Eſtates of the Family of *Auſtria*, viz. *Auſtria*, *Stiria*, *Carinthia*, *Carniola*, *Cilley*, *Gorts* and *Tyrol*, and the Biſhopricks of *Trent* and *Brixon*. The Extent of the whole is about 300 Miles from Eaſt to Weſt, 200 from North to South. *Auſtria*, which is Dignify'd with the Title of an Arch-Dutchy lies on both ſides the River *Danube* for about 60 or 70 Miles from North to South, and 160 from Eaſt to Weſt; ſo that the River *Danube* cuts it into 2 Parts, the Upper and Lower: It was the *Pannonia Superior* of the Antients; and its preſent Name of *Ooſtrick* or Eaſtern Kingdom, in Latin *Auſtria*, was given by the *Franks*, becauſe of its Eaſt Scituation from *France*. This Province, after the *Romans* time, was Part of the Kingdom of the *Boiarij*, or *Bavarians*, afterwards Erected into a ſeparate Marquiſate by the Emperor *Otho* the Firſt, and the *Auſtrian* Family growing Powerful, it was Honour'd with the Title of Arch-Dutchy. *Verſtegan*, amongſt the Terminations of the Sirnames of our antient *Engliſh* Families, placeth that of *Stoch*, denoting the Stock or Trunk of ſome Tree, whereby the Reſidence of *Roſtock*, *Holſtock*, rightly *Holtſtock*, was Named, and conſequently themſelves. *Stoch* is in the Teutonick

alſo underſtood for a Staff, and it is ſaid to be the proper and antient Sirname of the Great and Imperial Houſe of *Auſtria*, in Memory whereof it beareth two ragged Staves croſs'd Saltire-wiſe, as belonging to the Arms thereof.

(3) *Frederick*] *Barbaroſſa*, in 1136. This Word being Compos'd of *Fred* and *Ryc*, is rightly Interpreted, Rich Peace, or Rich in Peace, and perhaps moſt properly meant in the Peace or Contentment of the Mind. (*Verſtegan.*)

Our Word *Fred*, *Frede*, or *Vred*, for all is one, being long ſince left, we uſe inſtead thereof our borrow'd *French* Word Peace, which the *French* take from the Latin Word *Pax*. *Ryc*, is a Country or Province, under one abſolute Command or Juriſdiction, we now by adding *h* to it, pronounce *Ryche*; and ſo of *Rycman*, have made *Rychman*. (*Id.*)

(1) *Vayvode.*]

The Name of a *Vayvode* or *Weywood* (1) is a Title of Dignity only in *Walachia* (2) *Moldavia* (3), and *Tranſilvania* (4) in *Hungary*; whereof the two firſt pay the Grand Signior Tribute; and ſo alſo is the *Doge* (5) of *Venice*, a Title only to the Head of that Republick, who is call'd Duke beſides.

And

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(1) *Vayvode.*] Take here what *Selden* ſays of a *Vayvode* in the Empire and *Poland*. The Title of *Vaivod*, reckoned alſo among the Dignities of the Empire, is but rare in regard of other Titles. In the Ranks of the Empire, publiſh'd by *Goldaſtus*, the *Vaivoda Walachiæ, et Vaivoda Moldaviæ* are remembred with this Note on them: *Sunt* (ſaith he, Corp. Memb. Imperij Germ. in prim. Tom. Conſtit. page 18) *inter Principes imperij allecti, ſed ſub Patrocinio Principis*

cipis Tranſilvaniæ, a quo eximuntur; quanquam id in præſentia Supradicti Principis (he means *Sigiſmund* Prince of *Tranſilvania*, who is call'd ſometimes *Vaivod* alſo) *me rogante, illuſtriſſimus Dominus Caſpar Vaivoda Walachiæ negaverit; aſſerens principatui Valachiæ eſſe eadem jura ab Imperatore conceſſa, quoad Suffragia et Dignitates conſequendas, quæ ipſi Sereniſſimo Tranſilvano.* But for the Title of *Vaivod* more anon, where we ſpeak of the Dignities of *Poland*, where alſo of the Title of *Deſpot*, taken by the *Vaivod* of *Moldavia*, inſtead of which the Name of Prince generally is us'd alſo. Thus much of a *Vaivod*, as of a Prince of the Empire (*Tit. Hon.* part 2. chap. 1. page 352, 353. Sect. 50.) According alſo to the Faſhion of the Empire, the giving of ſome Feudal Dignities occurs in the Memory of *Poland*. The Examples, I meet with, are of the Title of Duke, and of *Vaivod*. An Example of a Feudal *Vaivod* (or *Woiewoda*, as they call it; and *Woiewodowie* in the Plural) is in that of King *Kazimir* the IIId's Infeudation of *Moldavia* to *Stephen*, *Vaivod* of *Moldavia*, in *September* 1485. This was not the firſt Creation of the Title of *Vaivod*, in this *Stephen*, but only an Inveſtiture or ſolemn Livery, whereby *Moldavia* was thus receiv'd as a Fief from the King of *Poland*. It was after a Treaty on both Sides, wherein the *Vaivod* (being otherwiſe under the Empire) agreed, both to put himſelf into the Protection of the Crown of *Poland*, and alſo to receive his Territory and Dignity from the King as a Fief.

But for this Title of *Vaivod*, it is a Name in thoſe Parts that denotes as much literally as Captain, or *Militiæ præfectus*, and in *Moldavia*, at that time, was this Feudal, however in the latter times the *Vaivod* there hath taken the Name of *Deſpot* or Prince, as ſuppoſing (ſay ſome) that of *Vaivod*, as it is us'd in the Neighbouring Kingdoms, of itſelf to denote too much Subjection. And indeed in *Poland*, and the Great Dutchie of *Leitow*, and elſewhere in the Members of that Kingdom, there are many known alſo by the Name of *Vaivods*, which are all Officiary only, and for Life, and have Commands in the ſeveral Territories committed to them, ſomewhat like the Lords Lieutenants of Shires, in *England*, and have their *Caſtellans*, like Deputy Lieutenants under them, in all

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Places except *Cracow*, where the *Vaivod* is under the *Caſtellan*, as for a perpetual Memory of the diſhonourable Flight of the *Vaivod* of *Cracow*, under King *Boleſlaw Krziwouſti*, from a *Ruſſian* Ambuſh. But theſe *Vaivods* in *Poland*, are not at all Feudal, nor to be reckon'd among Titles of Honour, but of Office. And ſo it is very antient in thoſe Parts, and attributed (*Gaguin. circa init. Chron. Polon.*) to the time of near 1000 Years paſt. The latter *Greeks* made into their Language the Name Βοίβοδος from it, to denote a *Vaivod*; ſo we ſee in that of *Conſtantinus Porphyrogenitus*, where he ſpeaks of the *Vaivod* of *Chazaria*. He ſays (*de adminiſtrando Rom. Imp.* Cap. 38) that the firſt Governor or Prince there was call'd a Βοίβοδος which queſtionleſs he means for *Vaivod*. But the Hiſtorians and Lawyers of *Poland*, that expreſs themſelves in *Latin*, uſually call a *Vaivod*, *Palatinus*, which doth not at all literally Tranſlate it, but Uſe hath made thoſe 2 Words there to be now Equivalent: And this Feudal *Vaivod* alſo of *Moldavia* is call'd *Palatinus* every where, in relation of the Ceremony of his receiving Inveſtiture (*Tit. Hon.* part 2. chap. 2. page 384, 386. Sect. 2, 3.) This was alſo the Name given to Governors of Provinces, when they were under the King of *Hungary*. The Dukes or Governors of Provinces in *Poland*, and the particular Governors of Towns under a Baſſa in the *Turkiſh* Empire, are called *Vayvodes*; wherefore the Princes of *Walachia*, *Moldavia*, and *Tranſilvania*, chuſe rather the Title of *Deſpot*, ſignifying Lord, than that of *Vaivodes* (*Collier's Great Hiſt.* &c. *Dict.*)

(2) *Walachia.*] This Country, which is extended in a triangular Form, between the *Danube* on the *South*, *Hungary* on the *Weſt*, *Tranſilvania* on the *North Weſt*, and *Moldavia* on the *Eaſt*; about 130 Miles in breadth, and near 200 Miles in length; is Govern'd by a *Weywood*, Elected or Approved by the Grand Signior. He is ſtil'd *Hoſpodar*, *i. e.* Chief General of the Militia, and pays a Tribute to the *Turks* of 70000 Ducats *per Annum*, and yet is at all Expence in the Government and Defence of his Country. The Chriſtian Religion, according to the *Greek* Church, is profeſs'd in *Walachia*, and the Patriarch of *Conſtantinople* is their Metropolitan. The Inhabi-

tants fancy themſelves to be the true Offspring of the *Romans*, and their Aſſertion ſeems to be confirm'd by the Idioms of their Language, which in many Words and Phraſes, comes nearer the antient *Latin*, than the Modern *Italians* do, altho' it is now ſo corrupted with the *Ruſſian*, *Sclavonian* and *Turkiſh*, that it hardly deſerves any of that Character.

In the Government, the *Weywood* always exercis'd a Sovereign Authority, and as long as the Kingdom of *Hungary* ſtood, was wont to put himſelf under the Protection of that Monarch. In 1391 the *Turks* Invaded this Province, and in 1415 compell'd the People, that had gallantly Defended themſelves in ſeveral Rencounters, to ſubmit to the *Ottoman* Yoke, which the *Weywood* attempted to throw off 10 Years after; but being ſoon reduc'd to Extremity, was again oblig'd to Swear Allegiance to the Grand Signior, and promiſe to aſſiſt the *Turkiſh* Forces in all their Expeditions againſt the Chriſtians. And tho' in 1595, *Sagiſmund Bathar*, Prince of *Tranſilvania*, was able to ſecure this, as well as his own Principality, from the accuſtom'd Bondage, yet the Inhabitants were not able long to maintain their Liberty, but have ſince contentedly paid their Tribute, without attempting another Revolt.

(3) *Moldavia.*] Which has its Modern Name from the Chief River *Moldavo*, which waters it, lies on the *North Eaſt* of *Walachia*, bounded on the *North* by the River *Neiſter* or *Turla*, which divides it from the *Ukrain*, on the South with *Walachia* and the *Danube*, on the *Eaſt* with *Beſſarabia*, and on the *Weſt* by *Tranſilvania*; its Extent is much greater than *Walachia*, being 240 Miles from *North* to *South*, and 150 from *Eaſt* to *Weſt*. *Moldavia* was firſt made Tributary to the *Turks* by *Mahomet* the Great, but under the ſmall Tribute of 2000 Crowns *per* Annum; afterwards *Bogdamus*, *Weywood* thereof, *A.* 1585, fearing to become abſolute Vaſſal to the *Turk*, being aſſiſted by *Poland*, took up Arms againſt *Solymus* the IId, by whom being drawn out of his Country, *John*, a *Moldavian* Born, but one who had Embrac'd the *Mahometan* Religion, was preferr'd by *Solymus* to that Principality; but as ſoon as he was in it, he return'd to his for-

mer Religion, which made the *Turk* ſet upon him too, and *John* loſing his Life in the Quarrel, the Province fell to the Power of the *Turks* in 1574, who appointed the *Weywood*, and impoſed an Annual Tribute, which at that time Amounted to 80000 Dollars; but now it is reduc'd to 66000 Dollars in Money, near 40000 pound of Wax, as much Honey, and a vaſt Quantity of Tallow for the *Arſenal.* But beſides the Annual Tribute, there was ſo many accidental Expences, Pretenſions, and Arts of the *Turks* to ſqueeze Money out of this Oppreſs'd People, as did ſometimes double the Charge of their Yearly Tribute; to which may be added the Price paid to the Grand Signior and Others for the Principality, which amounts to 110000 Dollars. In 1686 the *Polanders* over-ran this Country, took the Chief Cities, and oblig'd the Inhabitants to put themſelves under the Protection of the Empire: But at the Treaty of *Carlowitz*, it was agreed, that the *Poles* ſhould retire and leave this Principality in its former State, and accordingly it is ſtill Tributary to the *Turks.* (*Sir.* Paul Ricaut's *Preſent State of the Ottoman Empire.*)

(4) *Tranſilvania*] Call'd *Erdely* by the *Hungarians*, and *Siebenburgen* by the *Germans*, derives both its *Latin* and *Hungarian* Names from Woods and Foreſts, with which it is encompaſs'd almoſt on all Sides; but the High *Dutch* Denomination hath a different Original of much later Date, taken from 7 Chief Towns in this Principality, and alluding to the Manner of Living of the Antient *Pannonians*, who having fix'd their Tents in thoſe Parts, for the more ready Suppreſſing of any Inſurrection, that might be rais'd againſt them by the Natives, were wont to keep in diſtinct Bodies, and accordingly divided themſelves into 7 Bands or Regiments, every one of which contain'd 3857 Able Soldiers. Thus being Encamp'd in ſeveral Quarters of *Tranſilvania*, they made Entrenchments round about, and for their better Security built a Fortreſs or Caſtle at every Camp, which firſt occaſion'd the Alteration of the Name of this Country; *Siebenburgen*, in the *German* Tongue ſignifying 7 Forts or Towns. It was added to the *Roman* Empire under the Name of *Dacia*, by the Emperor *Trajan*, and contain'd in Compaſs about 1000 *Italian* Miles, according to the Report of *Eutropius*

and

and *Jornandes*; but at preſent nothing more is comprehended under the Name of *Tranſilvania*, than only a Part of the Old *Walachia* proper, and Part of *Hungary* on the *Eaſt* by *Moldavia*, and Part of the ſame *Walachia*, and on the *Weſt* by Upper *Hungary*. Its Extent from *North* to *South* conſiſting of about 50 Leagues, and 68 from *Eaſt* to *Weſt*. The Principality of *Tranſilvania* is Inhabited by 3 ſorts of People, that have different Laws and Cuſtoms, *viz.* The *Ciculi* or *Siculi*, the *Saxons* and the *Hungarians*. Of theſe, the firſt lay Claim to the greateſt Antiquity, and are ſtill Govern'd by their old Laws and Conſtitutions, being really a Branch of the Antient *Scythians*, who were driven out of *Pannonia*, by *Attila* and his *Huns*. They divide themſelves into 7 Cantons, every one of which is Abſolute within itſelf, tho' all of them are united with the *Tranſilvanians*, and one with another for the Defence of their Country againſt the common Enemy. As for the *Saxons* (according to the Opinion of *Toppeltine*) they are the true Relicks of the Antient *Daci*, calling themſelves even at this Day *Decen*, *Deſen*, *Deiſchen*, which is an eaſy corruption of the *Daci* or *Deci*. The *German* Writers, eſpecially thoſe of the beſt Repute, acknowledge the whole *German* Nation (and conſequently their *Saxons*) to be the Offspring of the Antient *Tranſilvanians*; but whenceſoever their Original is deriv'd, they are certainly near a-kin to the Inhabitants of the Lower *Saxony*, and uſe the ſame Dialect, altho' the Corruption of their Tongue, by a Mixture with the *Hungarians*, renders the High *Dutch* more difficult to be underſtood among them. Thoſe *Saxons* poſſeſs the Province call'd the *Towns*; the *Siculi* dwell on the Banks of the River *Marisk*, and the *Hungarians* poſſeſs the Frontiers of *Walachia*: The 2 latter are for the moſt part *Calviniſts*, and the *Saxons* almoſt generally Embrace the Doctrine of *Luther*; but none will allow any Pictures or Images to be ſet up in their Churches: There are alſo among them ſome *Papiſts*, *Greeks*, *Anabaptiſts*, &c. tho' their Party is not ſo conſiderable. However theſe 3 diſtinct Nations are Govern'd by one Sovereign ſtyl'd the *Weywood*, whom the Grand Signior often caus'd to be Elected and Depos'd at his Pleaſure. But the Power of the *Turks* is now expell'd. The 2 Noble Families of *Bathori* and *Ragotski* have ſupplied this Country

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Country with many Princes, who were oblig'd to ſend a certain Tribute to the Port, until *Michael Abaſti*, the 23d Prince from *John Huniades*, who ſucceeded *John Kermant* in 1661, with the Conſent of the States of *Tranſilvania*, reſign'd the whole Country to the Emperor of *Germany* and King of *Hungary* for ever, as it appears from the Act bearing Date at *Hermanſtadt*, *May 9th*, 1688. Afterwards the ſaid Prince dying in 1690, the States, in a General Aſſembly reſolv'd to adhere to the Intereſt of the Emperor, and the young Prince, Son to the Deceas'd, who was confirm'd by his Imperial Majeſty, againſt all the Pretenſions of Count *Teckeley* and the *Ottoman* Port.

Thus the Principality of *Tranſilvania* remains entirely Incorporated with the Crown of *Hungary* under the Imperial Protection. And the firſt Article of the Treaty of Peace between the Emperor and the *Turk*, at *Carlowitz*, declares, that *Tranſilvania* ſhall remain entire to his Imperial Majeſty, with the Antient Limits as before the War. (*Moll's Geography.*)

(5) *Doge*] Signifies Duke; formerly he was almoſt Abſolute, but now can do nothing, nor go out of *Venice* without Leave of the Senate; ſo he is for the Republick, and not that for him; yet he has many Privileges, and being Elected, enjoyeth his Dignity for Life. He preſides at all the Councils, is call'd Moſt Serene, and hath all the Marks, tho' not the Power of a King; and nothing is more Pompous than the *Doge* and Senators in their Robes of State.

(1) *Graf.*]

And as in Wars, Counts or Earls were aſſign'd to Dukes, ſo our Counts now at this Day are thought next in Dignity to follow the Dukes.

For a Marqueſs at this Day is nothing elſe in its own proper Signification, than a Count upon the Frontiers or Borders, which in the *German* Tongue is more Significantly call'd a *Martgrave*, with whom a Count is call'd *Graf* (1); Hence come thoſe honourable Names of the *Pfaltſgrave* (2), *Landſgrave* (3), *Martgrave* (4), *Rheingrave* (5), and *Burghgrave* (6), *i. e.* the Count *Palatine*, the Count of the Province, the Count of the Borders, the Count of *Rheine*, the Count of the Caſtle or Garriſon; and yet in ſome Places, according to the different Cuſtoms thereof, Marqueſſes are prefer'd and go before Counts or Earls.

The Beginning of a Viſcount, the very Etymology of the Name itſelf hath taught us.

Barons are alſo every where according to the Dignity of their Degree, Power and Gravity, accounted Honourable. *France* hath alſo only four Secular, Great, and Principal Lords, whom they call *Vidames* (7), *viz. Chartres*, *Chalons*, *Amiens*, and *Gerbery*. So hath it pleaſed Men, according to the Cuſtom of Places, to give old Names to new Forms of Honours and Dignities. But nothing is every where, and in all Places ſo ſincerely obſerv'd and kept, as is that old and general Diviſion of People into Noble and Ignoble, with a certain Difference of thoſe two Sorts among themſelves alſo.

For ſuch as with eaſy Exerciſes get their Livings, ſuch as excel in the Knowledge of Martial Affairs, in Learning, Wealth, or Vertue; theſe Men, in theſe times, are as it were the Seminaries of Nobility (as were in antient time the Gentlemen, whom they call'd *Equites* amongſt the *Romans*, the Nurſery of the Senators.) Many Noble and Famous Gentlemen have alſo from Lawyers and Merchants deſcended: And altho' ſome of the Vulgar and Common Sort of People be amongſt them of better Account and Reputation than others of themſelves, yet in reſpect of the Nobility, they are altogether Baſe and Ignoble. As for all Freeborn Men, who are not of the Vulgar Sort, they are indifferently and equally Noble, according to the *French* Proverb, *Je ſuis Gentilhomme, comme le Roy*, I am a Gentleman as well as the King; *Il Foy de Gentilhomme*, The Faith of a Gentleman.

Yet it is to be known, that Antiquity and high Functions have their Eſtimation, as well in Political Nobility as in other things; and hereof (as it ſeemeth to me) are thoſe Diſtinctions of Nobility, Nominate and Innominate, or of the greater and leſſer Nobility, as ſome others wou'd have it: And Nominate, or nam'd

Nobility, I call that which is by Hereditary Succeſſion, grac'd with Titles and Fees. As a King taketh his Denomination of his Kingdom, a Duke of his Dukedom, an Earl of his Earldom, and a Baron of his Barony; who may alſo be call'd *Majores Nobiles*, or the greater Nobility, tho' not altogether ſo properly, in-as-much as that Diſtinction of Nobility, indifferently Comprehendeth all ſorts of Noblemen, and the higher Magiſtracies (beſtow'd upon Men for Term of Life only, or during the Prince's Pleaſure.) The reſt of the Nobility, under the degree of Barons, may be call'd *Nobiles innominati*, or un-nam'd Noblemen; or *Minores Nobiles*, *i. e.* the leſſer Nobility.

And yet there are ſome of them who ſeem to have nam'd Nobility, tho' not to be plac'd in the ſame Rank and Order, ſuch as Knights and Eſquires; but becauſe the Titles of Knighthood, and of Eſquires are not Hereditary, they are reckon'd among the leſſer Nobility,

The

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(1) *Graf.*] *Graffio*, *Graphio*, *Gravio*. A *Grave*, as in *Landgrave*, a Magiſtrate, a Judge, an Advocate. *Nec Principes nec Graffio hanc lenitatem præfatam mutare audeat. Carta Kenulphi Regis Merciorum apud Mon. Angl. Tit.* 1. *pag.* 100. (Cowel's Interpr.)

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As the Title of Duke, ſo that of Count, or *Comes*, or *Grave*, or *Graffe* (as it is varied in the *Dutch* Dialects) hath been joyn'd alſo with *Fiefs* or Territories in the Empire, and that from the Examples us'd in the *French*, *Italian* and *German* Kingdoms, before *Charles* the Great, as is before ſhewed. And the Title of Count or *Grave* is alſo variouſly otherwiſe now us'd in the Empire, than with relation only to *Feuds*.

Of thoſe therefore that are Counts there, for Method's ſake, I firſt make (I mean of ſuch as are immediate to the Emperor) 6 Kinds. 1. Such as are call'd Counts or *Graves*, without any other ordinary Note or Addition, in expreſſing the Name of their Dignity, than the Place which is their County or *Graffſchaft*, unleſs you call it an Addition to their Dignity, in that they are ſtyl'd ſometimes *Schlecktgraven*, or ſimple Counts or the like. 2. Counts *Palatin*, which are alſo anon duely Subdivided. 3. Counts of the Empire, without relation to any *Feud*. 4. Counts of Frontiers, or *Marchgraves*, or Marqueſſes. 5. Counts of Provinces or *Landgraves*. And, 6. Counts of Cities or Eminent Towns, or *Burghgraves*. *Heregrave* alſo, or *Comes Militaris*, and ſome ſuch other have been in uſe there, which we omit. As we do alſo in this Place the Office of *Freygrave* (*vide Frigraviatum conceſſum a Ruperto Imper. Goldaſt. Conſtit. Tom.* 1. pag. 386.) and ſuch like ; and all relation, that any of theſe which make the parts of our Diviſion, have to the particular Title of Prince, ſeem perhaps juſtly to challenge a Place of a Member in the Diviſion of their Counts ; yet we have rather left it to another Diviſion concerning moſt of their Titles, which we ſhall make anon, where we ſpeak of their Title of *Furſt*, or Prince in the Empire. Therefore here of thoſe 6 Kinds only. And,

Firſt of Counts or *Graves*, without any other ordinary Addition than of their Territories, as *Graffe von Eiſſenburgh*, *von Ortenburgh*, and the like. They are ſometimes call'd *Graphiones* in the old Writers, and their Territories (and Dignities alſo in the Abſtract) *Comitatus*, *Comitia*, *& Comitiani*. The Creation and Inveſtiture of Counts or *Graves*, having Territories or *Graffſchaffts*, was antiently as of Dukes, *&c.* But in later time it hath varied, and ſometimes it is by Charter, and ſometime by Word only, as it ſeems by that of *Charles* the Vth, his Creation of *Adrian de Croy*, Lord of *Rhodo*, into the Title of Count of *Rhodo*.

Of this kind of Counts or *Graves*, there were heretofore (according to that Diſtinction, in moſt other Orders of the Empire, by the ſeveral Numbers of 4 for the moſt Eminent) 4 *Graves* or Counts, or the 4 *Graves* of the Holy *Roman* Empire, or the 4 ſimple *Graves*, *viz.* the *Grave* of *Cleve*; 2d, of *Schwartzenburgh*; 3d, of *Ciley*; and 4th of *Savoy*. But theſe of *Cleve* and *Savoy* being ſince rais'd into Dukes, and the *Graves* of *Ciley* being extinct about 170 Years paſt, the Count of *Schwartzenburgh*, in *Thuringia*, only remains of them, and to this Day ſtiles himſelf of the 4 *Graves* of the Empire, *Grave* of *Schwartzenburg*. But there are alſo ſome Counts that have no Inveſtiture into any *Graffſchafft* or County, and yet are call'd *Graves* or Counts of ſome Caſtles or ſmall Territories, which they Poſſeſs, and are, (as it is conceiv'd by Great Lawyers) of the Poſterity of ſome ſuch as were Counts of the old Empire, in the time before that *Feuds* were annext to this Dignity, and ſo thence retain the Name ſtill of Count joyn'd with their Caſtle or Territory. And of theſe they remember eſpecially the *Graves* of *Ottingen*, and of *Zollem*. Theſe, in regard of their Denomination or Title, tho' not of their Nature or Inveſtiture, are to be reckon'd with the Counts here of the firſt Kind. To theſe belongs that Example (which I confeſs is ſingular to me, for I have not obſerv'd the like of it) of the *Graffs-Chafft* of *Cambray*, given in 1007, to *Earlwin*, Biſhop of *Cambray*, and his Succeſſors, by the Emperor *St. Henry* the IId; ſo that he might there *Eligere Comitem*, and enjoy alſo the *Graffs-Chafft*. For a time the Biſhops appointed a Count under them for Government, which I think is the ſame with *Caſtellanus Civitatis* in *Baldricus*. I ſee alſo *Comitatum* granted to ſome Monaſteries, by which, whether the Title of Count was ever enjoy'd I know not; But afterwards the Biſhops of *Cambray* kept and us'd the Title of Count there themſelves, as appears by that Title of *Comes Cameraceſij*, which the Creation of the Biſhop into the Title of Duke of *Cambray* ſetteth forth before you. (*Seld. Tit. Hon.* part 2. chap. 1. pag. 311, 312, 313. Sect. 32.)

(2) *Pfaltzgrave*] I cannot quote a more judicious Author in theſe Matters than *Selden*, and therefore I give you what he ſays of *Counts Palatin*, and firſt of the Original of the Title of *Palatin*, as it is *Feudal*. *Counts Palatin*, or *Pfaltzgraves*, or *Comites Palatini*, or *Palantini* (as they are ſometimes call'd) are ſuch Counts, as have in their Title a ſpecial Eminence of their Dignity from a Relation (as their Name denotes) to the Emperor's Court or Palace; for *Palatin*, or *Palatinus*, is but the Poſſeſſive of *Palatium*, and ſignifies as much as the Words, Of the Houſhold with us, when we ſay, the Officers of the Houſehold. But this Title is Two-fold; either originally *Feudal*, and annex'd to the Name of ſome Territory or *Graffchafft*, with ſuch *Jura Imperij & Majeſtatis* as other ordinary Princes have not, as we ſee in the Title eſpecially of the *Count Palatin* of the *Rhine*; or meerly Perſonal, without the Addition of any particular Territory proper to him that hath the Dignity.

For thoſe of the firſt Kind: As the Original and Nature of other *Feudal* Dignities are beſt diſcover'd by the Deduction of their Names to the *Fiefs* with which they are joyn'd, ſo alſo will the Original and Nature of this be. And tho' the two Kinds of Counts *Palatin* agree in Name, yet both in Nature and Original they altogether differ. And the Title or Name only of the firſt is to be deduc'd out of the Cuſtom and Stile of the old *French* State, as from its firſt Original, tho' yet the Nature of it were more antient, and that in the *Roman* Empire, under the Name of *Præfectus Prætorio*, as is preſently ſhew'd. But both the Title, and Name, and Nature alſo of the 2d Kind are originally to be had from the Examples of the old *Roman* Empire.— Touching the firſt, in the more antient Times (and that alſo before the Beginning of the *French* Empire) there was in the Court of the Kings of *France*, a great Officer known by the Name of *Comes Palatij*, or *Count Palatin*, or of the Palace, or Maſter of the Houſhold, that had a Vicegerency under the King, in like ſort as the *Præfecti Prætorio* in the elder Empire, the old Chief Juſtice of *England* under the King's of *England*, or in like Proportion to the King, as the Chancellors, or Vicars General, of Biſhops are to the Biſhops, *i. e.* they had the Exerciſe of Supream Juriſdiction (for, and in the Name of the King) in all Cauſes that came to the King's immediate Audience. Whence the Name of *Comes*, joyn'd with *Palatij*, came to Note this great Officer, may be eaſily underſtood out of what is already ſaid, touching the various Uſe of that Word *Comes* in the old Empire, whoſe Language and Cuſtoms were exceedingly diſpers'd over *Europe* before the Tranſlation to *France*. This officiary Title being thus antiently us'd in the *French* State, continu'd there afterwards alſo in the Empire tranſlated thither.

And, as the ordinary Title of *Comes* alone, joyn'd (as is before ſhew'd) with any Province, made that kind of *Count*, or *Grave*, whoſe Title conſiſts only in the Name of *Grave*, or *Count*, with the Addition of his County or *Graffchafft*, ſo this Title of *Comes Palatij*, or *Comes Palatinus*, annex'd to a Province (not ſo much by expreſs Name, as by Gift of like Juriſdiction or Power in the Province, as the *Count Palatin* in the Court had) was the Original of *Counts Palatin* of Provinces. And ſo the Reaſon why the Name of *Palatin* (which by the Force of the Word ſeems to denote them only, as if they were a Part of the Houſhold) was ſo joyn'd with the Province, is plain enough; for whereas other ordinary *Counts* had only ordinary Power and Juriſdiction given them, as ſuch as was ſubordinate to the *Counts Palatin*, that in the Emperor's Court exercis'd Supream Juriſdiction in the Emperor's Name: Theſe *Counts*, that had Territories given them with a Juriſdiction of equal Nature to that of the *Counts Palatin* in the Court, were as Supream in their Provinces, as the *Counts Palatins* were in the Court, and had all Royalties, or *jura Imperij*, which thus fix'd upon them the Title of *Count Palatin*, that ſo it became to ſignify in a Province no otherwiſe than it did at Court; as if the Emperor ſhould have ſaid in the Creation or Gift of the Province, that together with the Province the Perſon honour'd ſhould have, or might uſe the Title of *Count Palatin*, becauſe in the Province he ſhould not be as an ordinary Count, but equal and alike in Power and Dignity to the *Counts Palatin*, that were his immediate and ſupream Lieutenants in his Palace: And the very like Form alſo we ſee in the elder Empire in the Officiary Dignities of the *Præfecti Prætorio*; for it is plain that the Name of *Præfectus Prætorio* ſignifies but as the Maſter of the Houſehold, or indeed expreſsly, as *Comes Palatij* in the Senſe that the *French* had it; *Prætorium* and *Palatium* being, eſpecially in the middle Times, meerly Synonomys. And not only in Signification, but in Nature alſo, the *Comes Palatij* and *Præfectus Prætorio* very much agree together. For the *Præfectus Prætorio* was in the Houſhold the like to Lieutenants to the old Emperors, as the *Comes Palatij* in the *French* State. Now we ſee, that in the Officiary Dignities of *Præfectus Prætorio*, *Orientis*, *Illyrici*, *Italiæ*, and *Galliarum*, the very Name of the Houſhold was transferr'd from the Houſhold to the ſeveral Provinces, to denote that they who bore thoſe Offices (being as Vice-Roys in their Provinces) ſhould have like Power, Juriſdiction, and Dignity, in their Provinces, as if by that Name of *Præfecti Prætorio*, they had always liv'd with the Emperor in the Court. And indeed in the *Roman* Empire, there was nothing ſo much the ſame, or ſo near to the Officiary Dignity of *Comes Palatij* in the *French* Empire, as that of *Præfectus Prætorio*: However, ſome very learned Men ſuppoſe, that from the *Cura Palatij*, or *Curo Palates* in the *Roman* Empire, and the very Name of *Comes Palatij* alſo then us'd, the Original and Nature of the preſent Title of this kind of *Feudal Count Palatin* is to be deduc'd.---- It is true, that the *Cura Palatij* (as it is call'd in the *Code*) or *Curo Palates*, was antiently of great Eminency in the Houſhold, and that, whether you reſpect it as it was given to him that was Captain of the Emperor's Guard, or to the Maſter of the Works of the Palace. But it is as certain, that neither of them, that had the Name of *Curo Palates*, had any Juriſdiction or Power beyond the Houſhold. And for the Name of *Comes Palatij* in the *Roman* Empire, it is true, that in ſome Editions of the *Code* there is a Title *De Officio Comitis Sacri Palatij* (Cod. Lib. 1. Tit. 34.) and in all, another *De Comitibus & Archiatris Sacri Palatij*. But neither of theſe can give any Proof, that the Name or Nature of this firſt Kind of *Count Palatin* hath any other Original, than from that moſt different Uſe of the Name of *Comes Palatij* in the *French* State. For that firſt Title, *De Officio Comitis Sacri Imperij*, altho' it be in the later Editions, yet the elder have it not; but in them the two Laws, that are under it, are continu'd with the reſt that preceed under the Title *de Officio Comitis Rerum privatarum*, as the Matter of them indeed perſuades alſo that they might well be. And ſome great Lawyers alſo (eſpecially *Cujacius*) not without great Reaſon, make the Title there *de Officio Comitis ſacri Patrimonij*, and not *Palatij*. But however, there is nothing at all in the Laws under that Title, that can by any Conſtruction concern any ſuch Power or Juriſdiction, as was in the *Comes Palatij* of the *French* Empire. Nor doth the *Comes Palatij* there (if it ſhould be there) denote any ſuch thing. And for that other Title *de Comitibus & Archiatris Sacri Palatij*, it hath only Reference to that Perſonal Dignity of *Count* which was beſtow'd on them that liv'd in Court with the Emperor, or to the old *Comitiva vacans* (whence the 2d ſort of *Counts Palatin* are anon juſtly deduc'd) and not to any that had ſuch Eminency in Power or Juriſdiction above others as the *Comes Palatij*, (whence we here derive the *Count Palatins* of our firſt Kind) had in the *French* State both before and after the Empire came to the *French*, and not otherwiſe than as the *Præfectus Prætorio* had in the *Roman* Empire.

Now *Selden* goes on to the *Feudal* Title of *Palatin* in the *French* and *German* Empires. This Title or Power (ſaith he) which made the Title of *Count Palatin* being annex'd to *Fiefs* or *Territories*, firſt in the *French*, and then in the *German* Empires, made thoſe *Feudal* Dignities of *Count Palatin*, and thoſe Counties *Palatin* or *Pfaltzgraven* and *Pfaltzgraffchafften* in the Empire. The *French* that live about *Blayz* in *Xantogne* ſay, That the famous *Rowland* (ſlain in the Battle of *Roncivalles*) was a *Count Palatin* of their Territory under *Charles* the *Great*: And in *Germany* the Title hath been in thoſe of *Habſpurg Tubing*, *Witelenſpach*, *Schiern*, *Ortenberg*, and other more; ſo in the old Laws of the *Dutchy* of *Saxony*; *Qualibet Provincia Teutonicæ Terræ ſuum habebat Palantzgravionatum*, *Saxonia*, *Bavaria*, *Franconia & Suevia*, *quæ antequam a Romanis ſuperabantur*, *Regna fuerunt.* And in ſome Liſts of the Princes of the Empire, there are Four *Archi Palatini* mention'd, *Rheni*, *Saxoniæ*, *Franciæ*, (it ſeems it ſhould be *Franconiæ*) *Hungariæ*; ſo that altho' the *Count Palatins* of the *Rhine*, or the *Pfaltzgravenbey*

Rhine have long been ſo ſingularly eminent Princes by this Title of *Count Palatin*, that commonly no other Place is underſtood by the general Name of the *Palatinate*, but only their Territories; yet alſo the Dominions of ſome other Princes of the Empire have had the ſame Name attributed to them, *i. e.* of ſome ſuch Princes, as have had the Power of *Counts Palatin* in their Territories, and that alſo altho' their Title be not *Counts*, but *Dukes*. Thence is it that *Saxony* (for the Purpoſe) is a *Pfaltzgraffſchafft* or *Palatinate*. For in that Territory, the Duke of *Saxony* hath the Sovereignty of a *Count Palatin*, but is not ſtyl'd ſo becauſe of his Title of *Duke*, which is rarely joyn'd with *Palatinus*. Indeed in that Charter of the Duke of *Auſtria*, *Archiduces Palatini* are mention'd, and as it ſeems, denote thoſe *Great Dukes* of the Empire, that had the Rights of a *Count Palatin*; in which Senſe alſo perhaps we have Ἡγέμονας Παλατίνȣς, or *Duces Palatinos*. But to this Purpoſe, That of the *Golden Bull* of *Charles* the 4th is obſervable, where, as the Right belonging to *Pfaltzgrave* or *Count Palatin* of the *Rhine* in the Vacancy of the Empire, *ratione Principatus ſeu Comitatus Palatini*, *i. e.* the Exerciſe of all Juriſdiction (as in lieu of the Emperor) is recogniz'd to him in the Territories of the *Rhine*, *Suevia*, and *Franconia*, ſo are the very ſame to the Duke of *Saxony*, *in illis locis ubi Saxonica jura ſervantur*, as the Words are; the particular Creation of any into this Title as *Feudal* in the Empire, I have not ſeen; nor do I think that the Title was expreſsly given to many that have it; if to any, only thus; by reaſon of the ſupereminent Juriſdiction and Power (ſuch as in the *Counts Palatine* of the *Rhine*, and other the greateſt Princes of the Empire, above that which was in common *Graves*, or ordinary *Counts* of Provinces) and ſuch as was the ſame in the Territory with that of the Officiary *Comes Palatij* in the Emperor's Court, this Name I conceive, was by ſome aſſum'd, and ſo attributed to them (if they were Counts) or at leaſt the Territories only call'd *Pfaltzgraffſchafften* or *Palatinates*, if they were Dukes, as alſo it hath been in *France*, *England*, and elſe-where, as is hereafter ſhew'd. But alſo divers other *Counts* (as well as the firſt *Otho*, Count *Palatin* of *Wittenſpach*) that have by Degrees gain'd to themſelves equal Power in their Territories, ſo that of the old *Comes Palatij* at Court, have not us'd the Name of *Count Palatin*, becauſe doubtleſs ſuch an Innovation would have been with much more Envy, than the Glory of the Title would have recompenc'd, and more properly alſo, it ſhould belong to them that have ſuch Power and Juriſdiction from the firſt Creation of their *Feudal* Dignities.

Of the Count *Palatin* of the *Rhine* in its proper Place; now of a Perſonal Count *Palatin*.

The other Kinds of Counts *Palatin* (that have no Relation to any *Fief* or *Feud*) are they, whoſe Honour and Title conſiſt only in the Perſonal Dignity of being Counts *Palatin*, or *Sacri Palatij Comites* generally. For altho' divers of them have alſo Privileges of Power or Juriſdiction added to their Dignities, yet thoſe Privileges are various according to the Will of him that creates them, and are meerly accidental to their Title. This Perſonal Title is born as acquir'd by two Ways; the one is the Publick Profeſſion or Reading of the Imperial Laws by the ſpace of 20 Years together, and alſo as ſome take it of the Canon Laws. The other by Letters Patents, or Bulls. The Title of thoſe, which are created by Letters Patents under the Emperor's or Pope's Seal, we ſubdivide into Two Kinds; the One is ſingular, and we find it in one Family only, as both Honorary and Officiary; the Other is given to many, and is only Honorary: That which we call Singular and Officiary, as well as Honorary here, is that Special Title of *Comes Palatij*; *Lateranenſis* is charg'd with the Attendance and Service to be perform'd in the ſame Palace at the Emperor's Coronation at *Rome*. It was thus given by the Emperor *Lewis* of *Baviere* to *Caltrucio Antelminellis* Duke of *Luca*, and to his Heirs Males in 1328, about a Month after that he was created Duke.

For thoſe other created into this Perſonal Title of Count *Palatin*; the Nature and Circumſtance of their Dignity will beſt appear, 1ſt, Out of the Power that makes them. 2dly, The Style that is given them. 3dly, The Eſtates limited to them. 4thly, The chiefeſt Privileges that are uſually, but very variouſly inſerted into their Patents: 5thly, The Exerciſe of thoſe Privileges with ſomething of the Eſtimation had of them.

(1) The Power that makes them is Originally in the Emperor, but is exercis'd alſo by the Pope, altho' ſome Lawyers of the Empire that are not Pontificious, quarrel at him for it; and leave it doubtful alſo whether the Empreſs, King of the *Romans*, other Kings, or the Princes Electors may of themſelves confer this Dignity; of that I diſpute not; but for the Pope's exerciſing the Creation of this Title, beſides the Arbitrary Power us'd by him in creating ſingular Perſons into it by ſeveral Bulls, and that Power alſo acknowledg'd in the Trent-Council; that of the Referendaries who are as Preſidents of his two Signatures of Grace and Juſtice, are moſt obſervable. Thoſe Referendaries were inſtituted by *Alexander* the 6th, and by a Bull of *Paul* the 3d, were every of them together thus created Counts *Palatin* (*vid.* Bull.) And *Clement* the 8th, and *Paul* the 5th in their Bulls of Privilege to their Conclaviſts, as they call them, (or thoſe which were in the Conclave, when they were choſen Popes) make them all *Sacri Palatij & Aulæ Lateranenſis Comites.*

(2*ly*) The Style wherein the Dignity of theſe Perſonal Counts *Palatin* is expreſs'd, is indifferently, *Comes Aulæ Cæſareæ*; *Comes Curiæ Cæſareæ*; *Comes Palatij Sacri*; *Comes Palatinus*; *Comes conſiſtorij Imperialis*; or *Comes Sacri Lateranenſis Palatij*, when it is created by the Emperors: But if by the *Pope*, *Comes Lateranenſis Palatij*, moſt uſually. And altho' the Emperors long ſince left their Reſidence in the *Lateran*, yet the Name of that Palace is of ſuch Eminence ſtill in the Empire, that commonly in the Creations of theſe *Counts Palatin* they retain a Reference to it as much as the *Pope* doth. But altho' they be call'd *Comites Palatini* in *Latin*, yet the *Dutch*, that expreſs them in the Language of the *German* Empire, ſo diſtinguiſh them, that are created by the Emperors, that they call them not (as I think) *Pfaltzgraven*, which is for the moſt Part proper to the *Feudal Counts Palatin*, but *Deſhieligen Romiſchen Reicks Hoffegraven*, or *Counts* of the Houſe of the Holy *Roman* Empire, as if by uſing the Word *Houſe* or *Hoffe*, they would purpoſely decline the Name of *Pfaltz* for ſome Diſtinction's ſake in the mention of them.

(3*ly*) For the Eſtates limited in the Grant of this Title; they are (beſides thoſe for Life) ſometimes to the Iſſues of the Patentees, and ſometimes alſo to the Succeſſors. *John de Amatis* was made a *Count Palatin* by the Emperor *Charles* the 4th, and the Title extended to all *ex eo legitime deſcendentes*. So the *Counts* of *Thorn* and *Valleſaſſin* write themſelves *Cæſarei Comites Palatini Hæreditarij*. Other ſuch Examples are of Creation of theſe Kind of Counts, altho' it be not very frequent that the Dignity extends beyond the Perſon firſt created. And as thus to Heirs, ſo alſo to Succeſſors it is ſometimes given; as in that of *Maximilian* the 2d his Creation of *Henry Julius* the firſt Rector of the Univerſity of *Helmeſtadt*, and his Succeſſors into the Title of *Count Palatin*.

(4*ly*) The chiefeſt Power and Privileges inſerted in their Patents are various, and for the moſt Part ſuch as are a Kind of voluntary Juriſdiction; and ſometimes they have ſomething alſo of the Contentions or Compulſory; for the Purpoſe; the Power of making the Baſtards (of all that are beneath Barons) legitimate is frequently given them, as it occurs in the Charter of the Emperor *Rodulph* the 2d, to *Nicholaus Renſnerus*, by which he created him into this Dignity, and granted that he might *natos illegitime legitimare*, &c. The Power alſo of making Doctors, as well in Divinity, as Law, Phyſick, and Philoſophy, is ſometimes added in their Patents, as in that to *Renſnerus*; but with this Condition, *adhibitis in cujuſlibet Doctoris Creatione Doctoribus eximijs de profeſſione creandi ad minus tribus, qui Doctorandum examini ſubjiciant*: So the Right of conferring other Degrees in Learning, and eſpecially alſo the making of *Poets Laureat* is often among the Privileges of theſe *Counts Palatin*. The Diſcharge alſo of Taxes is ſometimes inſerted, and Power of making Publick Notaries and Ordinary Judges often; ſometimes alſo the appointing of Tutors or Guardians to Infants, Adoptions, Manumiſſions, making of Knights, giving of Arms, granting of Pardons, and ſuch more. But the Privileges of theſe Counts are reſtrain'd by the *Bulls* of *Pius* the 4th, and 5th.

(5*ly*) An

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(5) An Example, with which they begin the Exerciſe of their Privileges, is in an Inſtrument of a Doctorſhip in Phyloſophy and Phyſick, given under Seal by *Hieronymo Botis* a Doctor of the Arts, Phyſick and Divinity, and a *Count Palatin* created by the Pope, to one that was firſt examin'd upon ſeveral Queſtions both in Phyſick and Philoſophy, by two Doctors of both Faculties, and thence reported to be ſufficient; The Courſe alſo us'd by *Counts Palatin* in giving the Crown of Laurel to *Poets* is ſeen eſpecially in that of *Joännes Cruſius* his receiving it at *Strasbourgh* in *Ann.* 1616, from the Hands of *Thomas Obrechtus* a Profeſſor of Law, and a *Count Palatin*, whoſe Patent from the Emperor is before inſerted.

This Form of creating Publick Notaries appears in that of *Count Joännes Jacobus Canis.* - - - -

But however this Perſonal Dignity of *Count Palatin* be allotted in the Empire, and in the Territory of the See of *Rome*, yet the Eſtimation of it hath been various. The Learned *Pierre Pithon* ſays, That it was never receiv'd, or acknowledg'd in *France* to be any Lawful Dignity, altho', the Emperor or Pope created them in their own Territories. And in the Parliament of *Tholouſe* in 1462, *John de Navarre* a *Count Palatin* made by the Pope, was cenſur'd for granting Legitimations, and making Notaries, in *France* by Colour of his *Bull* of Creation; and his Acts were declar'd meerly void. And a great Lawyer of this Age in the Empire (having himſelf been created a *Count Palatin* at *Ratisbon* by *Rodulph* the 2d in 1594) makes this Perſonal Title of *Count Palatin* leſs than the Dignity of any other *Count* or *Grave* whatſoever.

Next follows the Reaſons of the ſeveral Deductions made of *Count Palatin*; and why the *Feudal* Title is deriv'd out of the *French* Empire, and the Perſonal out of the old Empire of *Rome*.

The Original and Nature (ſaith *Selden*) of both the *Feudal* and *Perſonal* Title of *Counts Palatin* being thus open'd; it reſts now that it be further clear'd, as is before promis'd, why the ſame Title (in a general Expreſſion) ſhould be deduc'd to thoſe *Palatins* that are *Feudal*, and the greateſt only out of the *French*, and yet thoſe that are Perſonal, and ſo far beneath them out of the old *Roman*

Empire. For that Point, we muſt obſerve, that in the *French* Empire, and alſo long after the *German* Empire, that Perſonal Title of Count *Palatin* (as it now expreſſes any Kind of the Perſonal *Palatins* of the preſent Time) was not in any Uſe. At leaſt no Teſtimony any where ſhews it to have been in Uſe. But during the Continuance of the *French* Empire, and afterwards alſo, until the Time of *Frederick Barbaroſſa*, the Title of Count *Palatin*, or *Comes Palatij* in the Empire, denoted only either the Officiary Dignity known by that Name in the Emperor's Houſhold (as is before ſhew'd) or elſe the Supereminency of thoſe Counts, that had like Power in their Provinces, as the Counts *Palatin* had in the Houſhold, and thence had the Name alſo of Counts *Palatin* fixt on them; neither was there any of thoſe old Laws of the *Roman* Empire, that ſpeak of *Comites Palatij*, either practis'd or read in the *French* Empire, as neither was any Part of the Body of the old Imperial Civil Laws, in thoſe Times, beſides the Feudal Laws. But the Capitulars of *Charles* the Great, and other Emperor's in the *French* Empire, of ſome Kings of the *Lombards* in *Italy*, and other ſuch in *France* were (with local Cuſtoms) the only Laws ſtudied, and by which all in thoſe States, was, during thoſe Ages, regulated. And in all thoſe Laws or Cuſtoms, there was never found any ſuch Title as this of the Perſonal Counts *Palatin*, who by Vertue of that Name alone, without Special Grant, never ſo much as pretended to any Kind of Juriſdiction, ſo that there being in all that Time, but only that Notion of Count *Palatin*, which deſign'd one of ſuch a ſupereminent Juriſdiction, either in the Emperor's Court, or in a County or Province; this, which is meerly Perſonal, and aſſum'd either by Profeſſors of 20 Years, or given otherwiſe by Letters Patents, was not at all known in the Empire. But when, as (about 1150) the old Imperial Civil Laws were after ſo long an Intermiſſion reduc'd into Study, the Profeſſors of them finding in *Juſtinian*'s *Code* the Honorary Title of *Comites* and the *Comitiva*, and ſuch other meerly Perſonal Dignities of the elder Empire, and eſpecially of the *Comites Palatij*; (all ſuch of thoſe elder Times of the *Roman* Empire, that had the meerly Honorary *Comitiva*, being alſo by reaſon of their Reſidence and Attendance at Court, truly *Palatini Comites* or Counts of the Houſhold) perſuaded, as I conceive the Emperors, that as they had reduc'd the Laws of the old Empire into Study and Uſe, ſo they ſhould give this Honorary Title of Count *Palatin*, according as it appear'd in thoſe Laws that the old Emperors had done. But becauſe from the Cuſtom deduc'd out of the *French* Empire, there was at that Time a far different Notion of *Comes Palatinus*, as it had Relation to the Exerciſe of Juriſdiction both in the Emperor's Court, and in Provinces held by Feudal Right; therefore in the Letters of Creation of this Perſonal Dignity, a plain Diſtinction was made from the Officiary or Feudal Count *Palatine*. This Dignity being only Perſonal, and not annex'd to any Territory, was therein clearly enough diſtinguiſhed from that of others, which were either Feudal, or had their Titles with Relation to Feuds. And for a Diſtinction from the Officiary great Title of *Comes Palatij* that had its Original in the *French* State, they were, as to this Day they are, created *Comites Aulæ*, or *Palatij Lateranenſis*, or the like, (as is before noted) to expreſs the Meaning of the Letters of Creation to be, that they ſhould have the Title as it was in the elder Empire under *Conſtantine*, when the *Palace* of *Lateran* was the Principal Palace of the Empire, (*Donat. Conſtantini*) and not as it was us'd in the Palaces of *Triers*, *Cologne*, or elſewhere in the old *French* Kingdom and Empire, where it denoted that great Officer, which was Lieutenant or Viceroy for Matter of Juriſdiction to the Emperor. And in like Senſe are the Profeſſors of 20 Years Counts *Palatin*, if at all they be ſo (which ſome great Lawyers deny) and not otherwiſe; as alſo they who are made by the Pope, or by any other, that herein exerciſe Authority deriv'd from the Emperor. - - - - That of Count of the Empire, I find Perſonal alſo, as Perſonal is oppos'd to Feudal, tho' it be alſo Hereditary, we have a Special Example of it in *Rodulph* the 2d, his Creation of *Thomas Arundel* of *Wardour* in *Wiltſhire*, afterward made Lord *Arundel* of *Wardour* by King *James*. The Patent is directed in theſe Words, *Illuſtri ſincere nobis dilecto Thomæ Arundelio noſtro & ſacri Romani Imperij Comiti gratiam noſtram Cæſaream & omne bonum*; and then, after Part of the Preamble which concerns the Advancement of Men of Merit, the Emperor, conſidering firſt the Dignity of his Blood, goes on with *Inſignes etiam virtutes quibus illuſtre Genus tuum*, &c. Sign'd

Rodulphus.
ad Mandatum Sac. Cæſ. Majeſtatis Proprium
Jo. Barvitius.

Hoc Titulo qui gaudent, (ſaith Learned *Cambden*) *& hujus modi Privilegiis gaudere perhibentur, ut in Diætis Imperialibus ſedem & Suffragium habeant, Prædia in Imperio comparent, Milites Volones conſcribant, & judicio niſi in Camera Imperiali, non ſiſtantur.* (*Annal. Eliz. R. ſub An.* 1596. Pag. 126. *Ed. Londini ; ubi plura de hoc Diplomate.*) *Seld. Tit. Hon.* Part the 2d, Chap. 1ſt, Pag. 314, 315, 316, 317, and Part of 318, Part of 319 at bottom. 320, 321 in Part, 323 in Part, 325 in Part, 326, 327 in Part, 330 in Part, 331 in Part, 332 in Part, 333 in Part, 342 in Part, 343 in Part, 344 in Part, 345, 346 in Part, and 348 in Part. Sect. 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.

(3) *Landſgrave.*] In thoſe Titles of *Landtgrave* and *Burggrave*, the like Addition of *Grave* and *Burg*, as to *March* in *Marchgrave*. For *Landt* denotes but as much as *Provincia* or a Territory ; and altho' as the Provinces of the other Feudal Graves be Lands or Territories, ſo they might alſo literally be call'd all *Landtgraves* or *Comites Provinciales* (for ſo is the ſignificant Expreſſion of *Landtgraves* in *Latin*) yet in regard of the large Extent of ſome Provinces or Territories, and of ſuch Eminency, which from that extent the *Graves* of them had before others in the Inland Countries of the Empire ; theſe *Graves* had at firſt, as a Note of Excellency, the Word *Landt* joyn'd with *Grave* in their common Appellation, as at this Day it remains moſt eminent in the *Landtgraves* of *Heſſen*. As the Lord of *Verona*, or the Family *Delaſcala*, or the *Scaligers* of *Mirandula*, of *Padua*, and of *Milan*, had alſo the expreſs Name of *Landtheren*, or *Dominus Provincialis*. And how great the Eſtimation of the Name was, may be ſeen alſo in that before cited out of *Rigordus*, touching *Otho* Count *Palatin* of *Witlenſpach*, where (if I apprehend

the reading aright) the Title was conceiv'd by *Rigordus*, as Great as Count *Palatin*, and by a Miſtaking alſo to ſignifie it.

There are 4 *Landtgraves* reckon'd (as 4 Dukes, 4 Marqueſſes, 4 Counts, and 4 of moſt other Dignities) for the chief of this Title in the Empire. The *Landtgrave* of *Thuringen*, *Heſſen*, *Elſatz* and *Luchtenburg*. This Title as diſtinguiſh'd from that of other *Graves* came firſt into Uſe it ſeems in the *German* Empire; and *Landtgraviatus Dignitas incognita videtur Longobardis*, ſaith *Knichen* (*ad jus. Saxon.* Cap. 4. Pag. 117.) The moſt eſpecial Creation, and the moſt antient together of the *Landtgrave*, that I remember, is that of *Lewis* the IIId. Count of *Thuringen*; he being by Inheritance Count there (the Counts from the firſt Inſtitution having continually increas'd) was by the Emperor *Lothar*, his Father-in-Law, in 1126, created into the Title of *Landtgrave*. But alſo afterwards this Title was attributed to ſome of far leſs Dignity than theſe great *Landtgraves*. (*Tit. Hon.* Part 2. Chap. 1. Pag. 351. Sect. 48.)

(4) *Martgrave*] As the Counts or *Graves* of ordinary Provinces, were and are generally call'd Counts or *Graves* of this or that Province, ſo ſuch of them as were employ'd in Government under the Emperor, in Provinces that were of the Frontiers of the Empire, had the Titles of *Marchio* and *Margravius* in *Latin*, and *Marchgrave* in *Dutch*, and in *Italian*, *Marcheſe*, whence alſo the latter *Greeks* have Μαρχίσιος and Μαρκεσίνη for a *Marqueſs* and *Marchiones*; and the Counts of Frontiers were thus call'd, becauſe thoſe Frontiers were known by the Name of *Marken* or *Marks*, or Limits of the Empire, in the ſame Senſe as in *England*, we ſay the *Marches*, with relation to *Scotland* or *Wales*. The Word *Mark* or *March* denoting a Limit, Bound or Frontier, both in the antient and later *Dutch*, or rather in the Language of thoſe Nations, that over-ran the moſt part of Chriſtendom, under the Names of *Vandals*, *Goths*, and ſuch more, and mix'd themſelves with the *Dutch*, and moſt other Nations of *Europe*. For the Ancient Uſe of *March* or *Mark* there is teſtimony in divers Paſſages that occur in the Laws of the *Alemans*, of thoſe that inhabited *Baviere*, of the *Ripuarians*, of the *Lombards*, and in di-

vers other parts of *Story*, that give us the ſame Notion of the Word *Marcha* (with the *Latin* termination) which is clearly the ſame with *March* or *Mark*; whence it is alſo that *Commarchani* occurs for Neighbours bordering one on the other. And *Margus* (the ſame Word varied in termination) is us'd by *Sugerius* for *Normandy*, being the utmoſt *South-March* of *France.* So *Marca Hiſpanica*, *Marca Britannica*, and ſuch more we meet with in the Elder times; and thence alſo *Marchiſer* at this Day, in *French*, is to border or adjoin to; and the *Spaniards* ſay, *Lacividadoſus Comarcas*, for the City, or its Skirts or Limits. And thus the Word hath, out of *Germany*, and thoſe *Northern* Nations, ſpread itſelf into the reſt of *Europe.* From *Mark* in this Senſe, nothing was eaſier than to make *Marchiones*, or *Marcheſi*, or *Marchiani* (as ſometimes alſo they are call'd) in the *Latin* Termination, and *Marchgraves*, which literally denotes as much as *Comites Limitanei*, or *Duces Limitanei*, as *Comes* and *Dux* were in the Elder Ages oft-times indifferently us'd for the ſame Dignity. And from this Original, without Queſtion, is the Title of *Marchgrave*, or *Marqueſs* to be deriv'd; however ſome would have it from *Mare* or *March*, as it antiently in *Gauliſh*, or *Old Dutch*, ſignified an Horſe; and others otherwiſe. But in the *Feuds*, *Qui de Marchia inveſtitur Marchio dicitur, dicitur autem Marchia quia Marcha et ut plurimum juxta Mare ſit poſita.* Here ſo much as is ſpoken of *Marchio* with relation to *Marcha* is true: But if the Author in that of *ut plurimum juxta Mare*, &c. meant, that the Word *Mare* had any Place in the Original of *March* or *Marqueſs*, he was plainly deceiv'd. For altho' the *Marca Anconitana* and *Trevigiana*, in *Italy*, as alſo the *Marquiſat* of the Holy Empire in *Brabant*, the *Marca Normanica*, and *Britannica* in *France*, be adjoyning to the Sea, yet thoſe *Marquiſats* of *Miſnia*, *Luſatia*, *Brandeburgh*, *Moravia*, *Auſtria*, *Montferrat* and *Suſa* in *Savoy* (being call'd ſo, becauſe they were *Marcæ*, or *Marches* or Limits, and thence having *Marqueſſes*) are Inland Countries, and had the Name of *Marggraffeschafft* or *Marquiſat* fix'd on them in thoſe elder Times, when *Marqueſſes* had their Titles, together with ſuch Provinces as were Limits or Frontiers given them. The Original of the Name of this Title being open'd; the firſt uſe of it alſo muſt be deduc'd out of the *French* Empire, unleſs we account the *Duces Limitanei*, and ſuch *Counts* alſo as had Provinces, which were Frontiers, to have been *Marqueſſes* in the Old *Roman* Empire. Indeed thoſe Officiary Dignities were but the ſame in Senſe. But the Word *Marchio* occurs not in the Empire before *Charles* the *Great.* But altho' theſe times of the beginning of the *French* Empire had the Word or the Title ſo diſtinguiſh'd from *Dux* and *Comes*, in regard of the Frontiers, that were committed to him, that was call'd by it; yet, perhaps it was but Officiary only, at leaſt, not *Feudal* as of latter times, until under the Emperor *Henry* the Firſt; for before him I find not the making of any particular *Marqueſs*, whoſe *Marquiſat* by that Name yet continues. He againſt the *Danes* made one in *Sleſwick*; another againſt the *Vandals* in *Brandeburgh*; and another in *Miſſen:* But that *Marquiſat* ended in the Death of the *Marqueſs*, that was then Created. For the *Danes*, after the Death of this Emperor *Henry*, ſoon Cut him off, together with his Forces that were there with him; ſince that time divers others have been made in the Empire. And ſome *Dukes* having Frontiers for their Provinces, have call'd themſelves as well *Marqueſſes* as *Dukes*. *Lotharingiæ dux et Marchio* was often us'd, the Stile of the Antient *Dukes* of *Lorrain.* Sometimes *Comes et Marchio* is given to others in like Senſe. Their Creation of *Marqueſſes* and their Inveſtitures have been as of the other Dignities of *Duke* and *Count*. And ſometimes they have been Created into the Titles of *Duke*, and their *Marquiſats* made *Dutchies*, as we ſee in that of *Auſtria*. In the latter times, as of *Dukes* and *Counts*, there are eſpecially 4 more Eminent than the reſt, ſo alſo of *Marqueſſes*; and they are call'd *dievier hohen Marggraffen*, and their Territories *dievier hohen Marggraffs-Chafften.* They are thoſe of *Brandeburg*, *Merhern* (or *Moravia*) *Meiſſen* and *Baden* (*Seld. Tit. Hon.* Part the 2d. Chap. 1ſt. Pag. 348, 349, 350. Sect. 47.

(5) *Rhin-grave.*] But at this Day, in the Empire, the Title of *Count Palatin*, with a *Palatinat* together remains moſt eminently in thoſe of the *Rhine*, or the

—Sacra comes Inclytus Aulæ,
Cujus erat tumido Tellus circumflua Rheno.

As *Guntherus* deſcribes *Hermannus Count Palatin* of the *Rhine*, under *Frederick Barbaroſſa.* The beginning of that Title appears not, nor before the *German* Empire doth any expreſs mention of it occur, unleſs we could be perſuaded that the Name of *Capellatium* or *Palas* in *Marcellinus* denoted it, as ſome wou'd have it, but without ground enough for their Conjecture. But touching both the ſingularity of it, and its particular Original, the Words of the Learned *Marquhardus Freherus*, a late Couſellor of State will give full Satisfaction, which I refer the Reader to. And as *Feudal Counts Palatin* were above all other *Counts*; ſo the *Palatines* of the *Rhine*, are ever above all other *Palatines*, as alſo appears by this one moſt ſupereminent Juriſdiction belonging to them, that the Emperour himſelf might by the ancient Cuſtom of the Empire be brought to anſwer before them. (*Seld. Tit. Hon.* Part 2. Chap. 1. Pag. 318, 319. Sect. 35.)

(6) The Title of *Burggrave*] denotes a *Grave* or *Count* of a Caſtle or Fort. *Burg* there ſignifying a Caſtle, Fortreſs, or the like; *Knichen* ſays that *Burggraviatus Eminentia*, or a *Burggraveſchaft* had the Name from being *Præfectura Arcis ejuſdem Imperij, ut ſunt Præfecti Caſtellanei.* And *Matthias Stephani, Burggravi arcis Præſidijq; Præfecti:* So *Cujacius*, *Beſoldus*, and others, whence the *Burggraves* are call'd alſo *Comites Caſtrenſes.* The Four *Burggraveſchafts* of the Empire are thoſe of *Stromburg*, *Noremburg*, *Magdeburg*, and *Rheineck*, there being divers others alſo of leſs Note. This Title began (it ſeems) in the *German* Empire; for that of *Magdeburg*, altho' the Territory be annex'd to the Biſhoprick, yet the Title remains with the *Dukes* of *Saxony*, to whom both Title and Territory were heretofore given by the Emperor *Rodolph* the Iſt, who alſo annext the *Burggraveſchafft* of *Noremburg* to the *Graves von Zollern*, from whom it ſince deriv'd into the *Marquiſate* of *Brandeburg.* And *Magna* (ſaith *Beſoldus*) *hæc olim Dignitas erat, adeo ut in Civilibus, etiam Marchionibus jus dicere poſſent, ni nos fallit Auctor des*

Sachſenſpeigel, Part 3. *Art. ad finem.* In the *Sackſenſpeigel* indeed we read, *Palatinus ſeu Palanſgravius Imperatoris judex eſt, Burggravius vero id eſt, perpetuus Caſtellanus, judex Marchionis. Aliquando etiam* (ſaith *Beſoldus) in Epiſcopatibus exercebant juriſdictionem; (unde Peucerus* lib. 5. *Chronic.) eos illarum Terrarum judices eſſe cenſet, quæ Imperatorum Donatione Eccleſijs acceſſerunt.* But in theſe 2 Titles *Landtgrave* and *Burggrave*, which are found only in the *German* Empire (where they had their Original) this is to be obſerv'd, that as it happens in ſome others alſo, they are not ſo reſtrain'd to ſingular Eminency, but that ſometimes they occur communicated to Men of leſs Note, than ſuch as are generally underſtood by them. For in ſome Memoirs of the *Dutch*, *Landtgraves* are mention'd that were but *Barons*, and *Burggraves* that were not above *Gentlemen*; but that proceeds from that various Uſe of ſuch Words as make Titles of Honour. For ſometimes they are us'd as Significant literally, and ſometimes as only for denotation of particular Honour. Literally; as when *Landtgrave* is taken for any petty judge of any Province or Territory (for as *Comes*, ſo *Grave*, ſignifyed a Judge, and *Landt* literally denotes as well a ſmall as a great Territory) and then it may be well enough applied to ſuch an one, as an ordinary *Baron* is, that hath any Territory or Juriſdiction.—The like may be ſaid of *Burgrave*. For regularly, as it is a Title of Honour, it denotes one that hath the Command of ſome Eminent Fort of the Empire; but literally it may alſo be us'd for him that hath a Command of any obſcure or ſcarce eſteem'd Fort, whence the Dignity yet cannot be gain'd, tho' the Word be but as the reſt; ſo theſe of *Landtgrave* or *Burggrave* are and have been commonly Hæreditary, eſpecially from the beginning of the *German* Empire, and the Inveſtitures of them are as of *Dukes*, *Counts*, and *Marqueſſes*. (*Seld. Tit. Hon.* Part 2. Chap. 1. pag. 351, 352. Sect 49.)

(7) *Vidames.*] Officers under the Biſhops of *France* for the Adminiſtration of Juſtice, and Preſerving the Rights of the Church. This Name comes from *vice dominus*, which ſignifies a *Lord's Subſtitute* or *Deputy*. 'Tis thought that theſe *Vidames* reſembled the antient Oeconomy,

whoſe Buſineſs it was to take care of the Temporalities of the Biſhopricks. In proceſs of time theſe Offices became Hæreditary, being made *Fees* held of their reſpective Biſhops, from whoſe Sees they take their Titles.

Selden (whoſe Authority I'm reſolv'd to make uſe of in Matters of this Nature, as often as occaſion offers) gives us this Account of them.

As *Viſcounts* (ſaith he) had their Original from being Subordinate to the Great Dukes or Counts of *France*, ſo the *Vidames* from being ſo to Biſhops; and as the one, ſo the other, being at firſt meerly Officiary, became at length Feudal and Honourary. The Title of *Vidame* is but the *French* of the *Latin Vicedominus*, which was the proper Word for him that exercis'd Delegate Juriſdiction under a Biſhop, as *Vice Comes* for one that did ſo under a Duke or Count; divers Paſſages of the Elder time make that clear. But the Viſcounts and *Vidames* in the extent of their Offices (whence the *Feudal* and Honourary Titles are of both deriv'd) differ'd eſpecially in 2 things; divers Counts were under one great Duke or Count, and the Place that denominated every of them, was that, where they reſided: But a Biſhop had but one *Vidame* for his whole Biſhoprick; whence it is alſo, that wherefoever that the *Vidame* reſided or had his *Fief* (after ſuch time, as ſuch Poſſeſſion or Territory, as he had, became to be Settled on him, either by Gift or Permiſſion as a *Fief*) his Denomination was from the Biſhoprick only; as the Examples are in the *Vidames* of *Rhemes*, *Amiens*, *Chartres*, *Mans*, and other like.——The other ſpecial Difference is, that whereas the Officiary Viſcounts generally had the *Moyenne* Juſtice only, or that which is Civil Juriſdiction, or *Mixtum Imperium*, the Criminal, or the *Merum Imperium* or *la Hault* Juſtice (as they call it) being ſtill reſerv'd in the Hands of the Superiors, that made the Delegation to them; the *Vidames* or *Vice domini* had both *Merum* and *Mixtum Imperium*, or both Civil and Criminal, or *Hault* Juſtice in their Delegation to them, becauſe their Superiors being Clergymen, could not by the Canons of the Church retain the exerciſe of the *Merum Imperium*, or ſuch Criminal Juriſdiction, as inflicts either Capital Puniſhment, or any other by which Blood is loſt. (*Tit. Hon.* Part 2. Chap. 3. Pag. 445, 446. Sect. 20.) (1) *Addition.*]

The *French* in the mean time, and we *Engliſh* alſo, do by more known Words better diſcern the greater Nobility from the leſſer, but not without a certain Injury and Wrong done to the *Latin* Tongue, from which we derive our Nobility; for who knoweth not the *Latin* Word *Nobilis* indifferently comprehendeth all ſuch as are above the Common and Vulgar ſort of Men? which word is in *French* or *Engliſh* expounded Noble; by which the common Sort of *Engliſhmen* calleth or diſtinguiſheth no Man under the Degree of a Baron.

The reſt, under the Degree of Barons, are in *French* call'd *Gentilzhommes*, and in *Engliſh* Gentlemen; of whom ſuch as are neither Knights nor Eſquires, we call but only Gentlemen, without any Addition (1), and in *French Gentilzhommes Simples*, or plain Gentlemen; altho' perhaps ſome of theſe Men can ſhew more Arms of their Stock, and derive their Pedigree higher than ſome others of greater Dignity, or even the Emperor himſelf can.

Hence in Political Nobility ſimply underſtood, theſe plain-term'd Gentlemen are not inferior to Princes themſelves, tho' in Honour and Dignity much; for the Titles of Kings, Dukes, Marqueſſes, Earls, and Barons are as it were the

Names of moſt honourable Offices; and by reaſon of ſuch Additions one becometh more Famous and Noble than another.

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(1) *Addition.*] *Addition* is both the *Engliſh* and *French* Word made of the *Latin*, and ſignifyeth in our common Law, a Title given to a Man beſides his Chriſtian-Name and Sur-Name, ſhewing his Eſtate, Degree, Myſtery, Trade, Place of Dwelling, *&c.* As for Example, Additions of Eſtate are Yeoman, Gentleman, Eſquire, and ſuch like. Additions of Degree, are Names of Dignity, as Knight, Earl, Marqueſs, Duke. Additions of Myſtery, are Scrivener, Painter, Maſon, Carpenter, and all other of like Nature; for Myſtery is the Craft or Occupation whereby a Man gets his Living. Addition of Towns, as *London*, *Kingſton*, *Cheſter*, &c. and where a Man hath a Houſhold in 2 Places, he ſhall be ſaid to dwell in both of them, ſo that his Addition in either ſhall ſuffice. For the Uſe of theſe Additions in Original Writs, of Actions Perſonal, Appeals and Indictments, it is provided by the Statute, 1 *Hen.* 5. Cap. 5. that in Suits or Actions, where Proceſs of Utlary lies, ſuch Additions ſhould be to the Name of the Defendant, to ſhew his Eſtate, Myſtery and Place where he dwells; and that Writs, not having ſuch Additions, ſhall abate, if the Defendant take Exception thereto, but not by the Office of the Court; and this was Ordain'd by that Statute, that one Man might not be vex'd or troubled by the Utlary of another, but that by reaſon of the certain Addition, every Perſon may be known, and bear his own Burthen. For more particular Additions of Town (See *Bro. Tit. Addition.* See alſo *Crompton*'s *Juſt. of Peace*, Fo. 95, 96. *Co. par. Inſt.* 595, 666. and *Stat.* 27. Eliz. *Cap.* 7.)

Thus having ſpoken more at large and in general of theſe things relating to Nobility, I

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ſhall now deſcend to the particular Degrees thereof with us.

Now as to the Diviſion (1) of the Orders and Degrees of Men, which our *Engliſh* Common-wealth and Empire beareth, they have admirably well ſet it down, who have divided the ſame into a King, Nobility of the Greater and Leſſer Sort, Citizens, Men liberally brought up, and Labourers. But for as much as I have propos'd to ſpeak only of the Degrees of Nobility, and that the Intention and Scope of this Work tendeth no farther. I ſhall take notice only of the Kings, and the Chief-nam'd Nobility, whom we call the Peers of the Kingdom, the Common-Fathers of the Common-wealth, and in ſhort, by one Name, Great Eſtates or Noblemen. Yet

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(1) The true Diviſion of Perſons is, that every Man is either of Nobility, that is a Lord of Parliament, of the Upper Houſe; or under the Degree of Nobility, amongſt the Commons, as Knights, Eſquires, Citizens and Burgeſſes of the Lower Houſe of Parliament, commonly call'd the Houſe of Commons, and he that is not of the Nobility, is by intendment of Law among the Commons. (*Col.Inſt* 1. lib. 1. Cap. 1. Sect. 9. *Tit.* Fee-Simple.) (1) *Britons*

Yet amongſt ſo great Changes of things, and Inundations of Foreign Nations, wherewith this our Iſland, from the firſt Inhabiting thereof, hath been often trod under foot, and for a long time moſt grievouſly Afflicted; to write down ſuch an exact Diſcourſe, as to ſet down what were the Original, or firſt Titles of our Noblemen, with the Orders and Degrees of Honours, ſeemeth a thing moſt difficult and hard; of which Things (freely to Confeſs the Truth) being not well ſatisfied my ſelf, I dare not, with two haſty Confidence, affirm much, eſpecially ſeeing that here, as well as elſewhere, the Conquerors have all along principally endeavour'd, not ſo much to Oppreſs the People by them ſubdu'd, as to innovate their Cuſtoms, and change their Laws; Nature having ſo order'd it, that with the ſame Fate wherewith Monarchies and Kingdoms are overwhelm'd, even the Nations themſelves, and Noble Families fall and come to Ruin alſo.

For firſt, the *Romans*, by Subduing the *Britons* (1), (the Natural Inhabitants of this Iſland) went about with their Legions to overthrow all things.

But the *Romans*, about 500 Years (more or leſs) being again Tranſported into *France* (2), the *Saxons* (3), or rather *Engliſh Saxons*, call'd in by the *Britons*, to their Aid and Relief, rais'd

War againſt their Hoſts, and thruſt them quite out of their Antient Seats, and firſt of all others gave to the Kingdom the Name of *England* (4). Theſe

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(1) *Britons*, call d by the Strangers, who came over into this Iſland upon the Score of Traffick, by one common Name of *Briths*, from the univerſal Cuſtom among them of Painting their Naked Bodies, and ſmall Shields with an Azure Blew, which by them was called *Brith*. *Gildas*, *Origen*, *Tertullian*, St. *Athanaſius* (and ſeveral other Authors, whom I might quote) teſtify that they received the Chriſtian Faith, when the Goſpel was firſt Publiſh'd to the World, which was long before Proud *Auſtin* ſet foot in this Iſland. They were a Brave and Fierce People, till their Bodies were ſoften'd, and their Courages debas'd by the Luxury, as well as Servitude, which the *Romans* introduc'd among them.

(2) *France*, ſo call'd from the *Franks*, a People of *Germany*, who much about the time, that our *Saxon* Anceſtors came into *Britain*, entred into *Gallia* under their Duke or King call'd *Faramond*, and the People *Francemen*, now of us *Frenchmen*, to whom the Antient *Gauls* were forc'd to give Place, and glad in the End to joyn in Amity with them; whereby, of two Nations, they became one, and do now remain, known to the World under the Name of *Frenchmen*. *France* is call'd by ſome *Francia Occidentalis*, with reſpect to *Franconia*, that part of *Germany* which the *Franks* Inhabit, call'd by the Name of *Francia Orientalis*. The *Franks* ſeem to have been ſo call'd, for having choſen in ſome ſort to live in more Freedom and Liberty, than ſome other of the *Germans* did.

(3) *Saxons*; a People who had poſſeſſed themſelves of all thoſe Tracts of Land in *Germany*, that lie between the *Elve*, and the Lower *Rhine*, and extended their Seats all over the Coaſts of the *North-Weſt* Sea, from whence they exercis'd their Arms, and fierce Courages in all ſorts of

Spoils and Pyracies; and according to Biſhop *Stillingfleet's* Opinion (in his *Orig. Britan.* pag. 306.) had their Name from the *Sacks*, or ſhort Swords, which were generally us'd among them; as the *Quirites* were ſo call'd from *Quiris*, a Sort of Spear; the *Scythians*, from their great Uſe of Shooting with a Bow (for Shooting in the *Teutonick* is call'd *Scieten*, and antiently cometh of the Verb *Scytan*, which ſignifieth to ſhoot): The *Picards*, or People of *Picardy*, from their great and moſt accuſtom'd Uſe of Pikes, and the *Galliglaſſes* in *Ireland*, from the Kind of Polax which they are wont to uſe, it being common for Men to be call'd (eſpecially in War) after the Weapons which they bear.

(4) *England*] Call'd *Angle-land*, from the *Angles*, (who at the Invitation of the *Saxons*, already ſeated in, and fully poſſeſs'd of this Iſland, by the Succeſs of their Arms againſt the *Brittons*, their new Hoſts, ſwarm'd over from *Schonen* and *Jutland* in vaſt Numbers, being indeed their own People, *Saxons*, but going under ſeveral Names, as they were of ſeveral Branches and came from ſeveral Coaſts) and for eaſier Sound (the *Engliſh* loving Contraction) *England*. *Egbert*, King of the *Weſt-Saxons* (*Angles*) was the firſt *Engliſh* Monarch, being crown'd King of *England* at *Wincheſter*, in the Year 819.

(1) *Danes*]

Theſe People the *Danes* (1) alſo for a Space diſpoſſeſs'd and turn'd out of the Kingdom; but at length, as ſoon as it began (as it were) again to breathe under *Edward* (2) *the Confeſſor* (a moſt holy King, and laſt of the *Engliſh-Saxon* Race) he forthwith dying without Iſſue, gave Occaſion to the *Normans* (3) to paſs over; who (*Harold* their Oppoſer being overcome, and the *Engliſh* put out of their antient

Inheritance) began immediately to Aſſign the Lands and Grounds in every Place to their Companions and Fellow-Soldiers, and to introduce the *Norman* Cuſtoms and Faſhions.

Many Things, for all that, are yet extant in the moſt antient Records, even in the Heptarchy of the *Engliſh-Saxon* Kings, concerning thoſe Noblemen who were Rulers over the Counties of *Cheſter*, *Leiceſter* and *Lincoln*; who were indifferently alſo call'd Dukes and Counts of the *Mercians.* The *Danes* had alſo their *Heretoches* (4), and the Princes of their *Heretoches.* And *Edward*, the King and Confeſſor, yet reigning, even in the Time next to the coming in of the *Normans*, in the Charters and Monuments of Churches, there were to be found *Ethelings*, *Clytons*, *Patricij* (5) Conſuls, Earles, Palatines (6), Dukes, Senators, *Stalhers*, *Thaynes*, *Theot-thayni*, Miniſters (7), and Princes, but with great inconſtancy of ſuch their Names and Callings; for whom we ſhall read to be call'd Counts, we ſhall elſewhere find, even at one and the ſelf-ſame time, to be call'd Dukes: But the Stile of *Clyto* at firſt ſignify'd the King's eldeſt Son, but afterwards it was a Title common to all thoſe who were deſcended of the Royal Blood. The

(1) *Danes*] Originally the *Cimbri* and *Teutones*, call'd alſo *Dani* and *Codani*, from whom (as *Cluverius* ſays) the Country of *Denmark* or *Danemark* derives its Name. The *Danes* were formerly very Powerful, and made an Inroad into *Italy*, with a Deſign to take *Rome*, but were beaten and routed by *Marius*, *A. U. C.* 640. They ſubdu'd *England*, and in 1013 were abſolute Lords thereof, and frequently invaded *Scotland*. *Denmark* was formerly divided into *Jutland*, the Iſles, and *Schonen*, which latter being given to the *Swedes*, by the Treaty of *Copenhagen* in 1660, it hath little now but *Jutland*, and the Iſles lying Eaſtward of it, being divided into thoſe two Parts by the *Baltick* Sea. The former is the antient *Cherſoneſus Cimbrica*, and is divided into North and South. The latter (the Iſles) were antiently inhabited by the *Teutones*. The Boundaries of this Kingdom are the *German* Ocean on the North and Weſt, the Middle *Fart-Sund*, commonly call'd the *Leſſer Belt*, or the *Baltick*, on the Eaſt, and the River *Eyder*, which divides it from *Holſtein* on the South. This Kingdom was always Elective, till the 23d of *October* 1660, when the Crown was made Hereditary, and the King Abſolute. The *Danes* are almoſt of the ſame Temper with the *Swedes* and *Germans*, love Hunting and Good Cheer, tho' they be good Husbands. Amongſt them have been many learned Men who have writ excellently; as the *Bartholins* on Phyſick, and *Tycho Brache* on the Mathematicks. Some of their Authors (if we'll believe them) derive the Name of their Country, and Original of their Kings from *Dan*, the Son of *Jacob*, in a Lineal Succeſſion. Their firſt Chriſtian King was *Harold* the 6th, who began his Reign in 930. Thoſe of Quality in *Denmark* take neither the Title of Marqueſs, Count, nor Baron.

(2) *Edward the Confeſſor.*] The *Engliſh* being happily deliver'd from the Power of the *Danes* (whoſe Line was now clean extinguiſh'd) and the late King, *Harde-Canute*, dying without Iſſue (as having never been marry'd) *Edward*, Half-Brother to the deceas'd *Harde-Canute*, and Son to the unfortunate *Ethelred* by his Wife Queen *Emma*, was, by the Intereſt of Earl *Godwin*, admitted

King of *England*, and crown'd at *Winchester* by the two Arch-Biſhops, *Eadſyne* of *Canterbury*, and *Alfrick* of *York*, aſſiſted with other Prelates, on *Eaſter-day*, which fell on the 3d of *April*, in the Year 1042, being then of the Age of 40 Years. He was born at *Iſlip* near *Oxford*, and after his Father's Death, for Safety ſent into *France*, to the Duke of *Normandy* his Mother's Brother, from whence he now came to take upon him the Crown of *England*.—The firſt Thing he did to gain the Peoples Love and Affection, was, the Remiſſion of the yearly Tribute of 40000 Pounds, gather'd by the Name of *Dane-geld*, which had been impos'd by his Father, and lay heavy upon them for 40 Years together; and then from the divers Laws of the *Mercians*, *Weſt-Saxons*, *Danes*, and *Northumbrians*, he ſelected the Beſt, and made of them One Body certain, and written in *Latin*, being in a great Degree the Fountain of thoſe, which at this Day we term the *Common Law*, tho' the Forms of Pleading and Proceſs therein were afterwards introduc'd by the *Normans*. He made of a little Monaſtery in the Weſt of *London*, by the River of *Thames*, a moſt beautiful Church (call'd of the Place *Weſtminſter*) where he provided for his Sepulchre, and another Dedicated to St. *Margaret*, ſtanding without the Abby. That of *Weſtminſter* he endow'd with many rich Revenues, and confirm'd his Charters under his Broad Seal, being the firſt of the Kings of *England* who us'd that large and ſtately Impreſſion in their Charters and Patents. He Founded alſo the College of St. *Mary Ottery* in *Devonſhire*, and gave unto it the Village of *Ottery*, and remov'd the Biſhop's See from *Cridington* to *Exeter*, as a Place of far more Dignity. And when he had reign'd 23 Years and 6 Months, he dy'd the 4th of *January*, in the Painted Chamber at *Weſtminſter*, in 1066, and was bury'd in the Church of *Weſtminſter*, which he had Founded, or at leaſt Re-edify'd with great Magnificence. *Ingulphus* tells us, That King *Edward*, now grown old, perceiving *Edgar Etheling* both in Body and Mind unfit to Govern, and on the other Side Duke *William*, his Kinſman by the Mother, of great Merit and Renown, ſent Arch-Biſhop *Robert* to acquaint the Duke with his Purpoſe of making him his Succeſſor, not long before *Harold* came thither, who (as *Malmeſbury* relates) was ſent upon the ſame Errand. *Matthew Paris* aſſures us, that he deſign'd Duke *William* to be his Succeſſor, and bequeath'd him the Crown by Legacy. And as a MS. Chronicle in the *Cottonian* Library relates, that when King *Edward* lay upon his Death-Bed, Earl *Harold* came to him, and deſir'd him to nominate him for his Succeſſor; to whom the King reply'd, That he had already made Duke *William* his Heir. But more of this by and by, when I ſhall have Occaſion to make uſe of *Bacon*'s *Hiſtorical Account of the* Uniformity *of the Government of* England, Edit. *Lond.* in 1647. in behalf of Duke *William* the *Norman*, the reputed Conqueror.

As to King *Edward*'s Character, he is noted for his great Innocence and Simplicity, being much inclinable to Devotion and Religious Exerciſes; and is ſaid to have been ſo chaſte, that he never, as a Husband, enjoy'd his own Wife (the Daughter of Earl *Godwin*) tho' a very beautiful Lady; for which, as well as his other Vertues, and particularly his Charity to the Poor, he is commonly ſtyl'd St. *Edward* the *Confeſſor*. But he was indeed but a weak and eaſy Prince, and too liable to be miſled by the Suggeſtions of thoſe about him, as his Proceedings againſt his Mother and Wife teſtify; tho' that very Eaſineſs of Nature is in him reckon'd for a Vertue. *Malmſbury* (whoſe Character of this Prince may be rely'd upon) ſays, That if we conſider his Simplicity, he ſeem'd very unfit for Government; yet by Reaſon of his Vertue and Piety towards God, he was ſo directed by him, that the moſt politick and couragious Kings have ſcarce rul'd more happily; for during his Reign the Kingdom was never invaded by Foreign Enemies, nor diſturb'd by Civil Conteſts, but what were eaſily ſuppreſt: Yet it was the Miſfortune of the Nation, as well as himſelf, that he was formerly driven to Baniſhment, and living in another Country, was moulded into the Humour, Faſhions, and Cuſtoms of it, and out of Good Nature conſtrain'd to be Grateful to ſuch as had well-deſerv'd of him in his Neceſſities, more than the Temper, if not the Intereſt of his own Subjects, could bear. He was, in Effect, the laſt King of the *Saxon* Race, and one, whoſe Memory the People reverenc'd, for the High Reputation he had gain'd for his great Sanctity and Clemency to his Subjects. In this Prince the Royal Regnant Line of the *Weſt-Saxon* Kings, which from *Cerdic*, the firſt of them, had Dominion in *Britain* 547 Years receiv'd its Period.

(2) *Edward*] This was antiently written *Eadward*, and *Eadweard*, and given as it appeareth in Recommendation of Loyalty or Faith-keeping: For *Eadward* is properly a Keeper of his Oath, Vow, Faithful Promiſe or Covenant. It is equivalent with *Edgar*, both importing one Senſe and Meaning: *Gard* and *Ward*; Warders and Garters being all one. We have had more Kings of this Name than of any other; Nine in all, three before the Conqueſt, and ſix ſince. In *Portugal* they have metamorphiz'd it from all Senſe and Signification, and made it *Duarte*. (*Verſtegan.*)

(3) *Normans*] According to the Import of their Name, are a *Northern* People, or a People come from the *North*; the ſame with *Norwegians*, whoſe Country takes its Name from its Scituation towards the *North-Pole*. *Norwegia* in *Latin*; *Norway* in *Engliſh*, and *Nordweg* in their Language, being deriv'd from *Nort.* *i. e.* *Septentrio*, the *North*, and *Weg*, *i. e.* *Via*, a Way, and ſignifying the *North* Way, or the Way of the *North*. It was antiently (according to *Pliny*) call'd *Norigon*, and by others *Nordmania*. The antient Inhabitants of this Country were the *Scythaones* or *Sitones*, *Barbarians*, a People mention'd by *Tacitus* (*De Mor. Germ. Cap.* 45.) who were abſolutely govern'd by Women: They were antiently very formidable, having over-run great Part of the *Netherlands*, *France*, and *Britain*, and were ſo terrible to thoſe on the Coaſts, that all their Litanies had this Prayer; *A Furore Normannorum libera nos, Domine*; they ſubdu'd *Neuſtria*, that Part of *France*, which from *Paris* and *Orleans*, lies betwixt the Rivers *Loyre* and *Seine*, down to the Ocean, good Part whereof *Normandy* (ſo call'd from them to this Day) containeth. It is a great and fruitful Province, govern'd by its own Dukes, deſcended from *Rollo*, who were powerful Princes, and often maintain'd Wars with the Kings of *France*. Of theſe, *William* Sir-nam'd the *Baſtard*, invaded *England*, upon a Right he claim'd to the Crown after the Death of *Edward* the Confeſſor,

and by his Valour defeated *Harold*, who had uſurp'd the Crown, and by his prudent Management obtain'd the Government, and reign'd 20 Years King of *England*. This Province was united by him to the Crown of *England*, and ſo continu'd till 1202, when King *John* was diſpoſſeſs'd of it. *Henry* the 5th about 1420 re-conquer'd it, but his Son loſt it again about 1450, ſince which time it hath been annex'd to the Crown of *France*, and is one of the moſt important Governments of that Kingdom, affording a large Revenue to the Prince, by reaſon of its Scituation on the Sea-Coaſts, and the Fruitfulneſs of its Soil. It is uſually divided into the upper and lower *Normandy*. The Boundaries of the Whole are the *Britiſh* Channel on the *North* and *Weſt*, the Iſle of *France* on the *Eaſt*, and *Pirche*, and *Main* on the *South*.

(4) *Heretoches*] Leaders or Commanders of Military Forces; from *Here*, which in the antient *Teutonick* ſignifieth as much as an Army, and ꞇoᵹen, *togen*, *ducere*. *Heretochias* agreeth with either of theſe great Officers, *Conſtabularius* or *Mariſchallus*. In the Laws before the Conqueſt it is ſaid, *Mariſchalli exercitus, ſeu Ductores exercitus Heretoches per Anglos vocabantur illi ordinabant Acies denſiſſimas in Prœlijs, & Alas conſtituebant prout decuit, & prout ijs melius viſum fuerit, ad Honorem Coronæ & ad utilitatem Regni. Illi eligebantur per commune Concilium pro Communi utilitate Regni per Provincias & Patricios in Pleno Folkmote.* (*Co. Inſtit.* 1. *Fo.* 74. *Inſtit.* 4. *Pag.* 127.)

(5) *Patricij*] *Ex Dignitate & Præfectura primo nuncupati ſunt; Quos Conſtantinus Magnus è Publico Senatu in conſiſtorium & privatum Conſilium Principis, velut Senatum domeſticum Cooptavit, Provinciæq; alicujus præfectura inſignivit; aliàs Comites conſiſtoriani, & Sacri conſiſtorij dicti, & ſolummodo Illuſtres. Hinc Galliæ Reges, Romanorum Patricij. Videndus, qui belle ut ſolet, de Hoc Meurſius, & inter cætera Venericum, ſive Walthramum proferens in Apologia 4 --- Legitur Strephanum Papam veniſſe ad Regem Pippinum, & poſtulaſſe Patrocinium ejus contra Haiſtulfum, Regem Longobardorum, ac ipſius*

Patrocinij gratia decreviſſe; quemlibet deinceps Regem Francorum eſſe Patricium Romanorum. Hinc Provinciarum ſatrapæ etiam in Occidente dicti poſtea ſunt Patricij, atq; denuo Illuſtres. Sic in Hiſtorijs noſtris. (Spelm. *Gloſs.*)

(6) *Palatines, Palatini*] *Pro Aulicis in genere. Flodoard. Lib. I. Cap. 24. ---- pervenit ad Palatium, mœrore Parentes affici, luctu Palatinos invenit opprimi. pag. 82. b. & poſt aliquot ---- Veneratur Sanctus, tam a Rege, quam a Proceribus, glorificatur a Palatinis omnibus, laudibus effertur a Turmis vulgaribus.*

Palatini pro optimatibus. Privileg. Roberti R. Gall. pro S. Dionyſij cœnobio --- ex ſententia Palatinorum noſtrorum adjudicavimus.

Palatina.] *Munia, Officia, Obſequia. Wiſegothor. Leg. Lib. 2. Tit. 4. l. 4. ---- ſervo penitus non credatur --- exceptis ſervis noſtris, qui ad hoc Regalibus Servitijs Mancipantur, ut non immerito Palatinis Officijs Liberaliter honorentur, i. e. Stabulariorum, Gillonariorum, Argentariorum, Coquorumq; Præpoſiti, vel ſiqui præter hos Superiori Ordine vel gradu præcedunt.* (*Id. Ibid.*)

(7) *Miniſters*] *Miniſter in Anglo-Saxonum Chartis Sæpe occurrit, & eundem eſſe opinor qui alias Thanus dicitur. Charta Edredi Magnæ Britanniæ Regis. Anno. Dom. 948. Apud Ingulph. Sax. Pag. 87. Ego Brithnodus Dux Commendavi. Ego Alcinus Comes favi. Ego Aigulfus Comes conſignavi. Ego Radbodus Comes conſenſum dedi. Ego Ringulf Vice-Comes conſului. Ego Afer Vice-Comes audivi. Ego Harceus* Miniſter *interfui. Ego Sigeus* Miniſter *auſcultavi. Ego Athelwardus* Miniſter *aſpexi. Ego Turketulus (licet* Miniſter *inutilis) finem cernens mei præpoſiti, ob hujus rei gratiam, æternum Deum laudo, &c.*

Similiter in plurimis ibidem Chartis e quibus Miniſtri hujuſmodi & locum & Dignitatem intelligas. Erat autem Turketulus iſte Clericus & Cognatus Regis, etiam & Monachus. Quærendum igitur eſt, an hic veniat ſub Aliorum Miniſtrorum Nomine, qui Thani Appellantur: Sed Fratrem etiam Religioſum mox infra videbis Miniſterialem dici.

Miniſter Regius] *Idem qui Thanus Regius, i. e. Baro.*

Miniſterialis] *Servus vel Famulus honeſtior: qui ipſo hoc, Nomine a Ruſticano differt. L. Longobard. Lib* 1. *Tit.* 11. *Sect.* 2. *Siquis Servum Miniſtralem probatum ut Supra, aut doctum domi Occiderit; Componat Sol.* 50, *de Alio vero Servo Miniſtrali, qui ſecundus ejus invenitur eſſe, & tantum Nomen Miniſtrale habet; ſiquis Occiderit, componat Sol.* 25. *Sect.* 3. *Siquis Servum alienum Ruſticanum, qui ſub Maſſario eſt, occiderit, Componat Sol.* 16. *Flodoard. Lib.* 3. *Cap.* 28. *Scripſit Anſoldo &c. pro Inquiſitione Cujusdam fratris Raganifredi Miniſterialis ſui.*

Miniſteriales Regij] *Famuli vel Miniſtri Regum. Etiam de judicibus ſuis dictum. Flodoard. Lib.* 1. *Cap.* 20. *Pag.* 62. *unde ſæpe juſtitiam apud Miniſteriales Regios ſibi fieri petijt, nec obtinere potuit.*

Miniſteriales Villarum] *Opinor villici & Rem Ruſticam exercentes. Flodoard Lib.* 3. *Cap.* 28, *Pag.* 306.—— *Plebeijs quoq; quibuſdam Perſonis, Villarum; ſcilicet Miniſterialibus, pro rebus Miniſteriorum ſuorum nonnunquam ſcribens, prudenter atq; rationabiliter diſponebat, qualiter res ſibi commiſſas tractare deberent (Id. Ibid.)*

(1) Duke

The Titles of Count and Conſul ſignify'd the ſame thing, with this only Difference, that *Comes* (or a Count) was ſo call'd a *Comitatu* (or of a Shire or County) and a Conſul *a Conſulendo*, or of giving Counſel. A Stalher or Governour of the King's Houſe were all one, as divers Writings Manifeſt. The *Patricij* and *Thayni* were Noblemen of the beſt Sort, and I could almoſt affirm them to have been equal to our Barons at this Day. Miniſters and Princes, who in old Charters are ſet as loweſt Witneſſes, ſeem to have been Names of one and the ſame Signification, and alike denote Noblemen. But what Degree of Honour or Nobility they were of, is altogether unknown. Nor did *William* the *Norman* immediately with the Conqueſt (1) change theſe Honourable Titles: For theſe Men, whom King *Edward* the Confeſſor, in his Charter, concerning the Privileges by him granted to the Abbey of *Waltham* (2), in the Year 1062, taketh to Witneſs by the Names of *Counts Palatin* (whom he but even a little before had call'd Dukes, Procurators, Chamberlains, and Princes of his Court;) the *Norman* himſelf, in the 2d Year after his Victory, in his Confirmatory Charter, granted to the ſame Abbey, doth, by the ſame Stiles and Titles, take to Witneſs alſo. But after he had Settled the Kingdom to himſelf in Safety, the Counts, whom he by his Royal Charter had rewarded with Counties and Lands, began to be one from another diſtinguiſhed by the Addition of the Title of ſuch and ſuch a County; as *Alanus*, Count of *Richmond*; *Hugh*, Count of *Cheſter*; *Roger*, Count of *Shrewsbury* and *Arundel* Witneſs.

And thus the *Engliſh Saxons* being either Dead without Iſſue, or Oppreſs'd, or thruſt forth into Exile, and ſo Living in other Places, all Things were ſo fram'd to the *Norman* Manner, as that of our Nobility at this Day, there is not any that can draw the leaſt Breath of the Stock and Race of thoſe moſt Antient *Saxons*.

These

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(1) Duke *William*'s Acceſſion to the Crown of *England* being generally reputed to have been by Conqueſt, I ſhall clear that Point (as is before promis'd) out of *Bacon*'s *Hiſtorical Account of the Uniformity of the Government of* England, *8vo Edit. Lond.* 1647. Obſerving this Method.

Firſt, I ſhall give you a Relation of the *Norman* Entrance, out of the 44th Chapter.

Secondly, I ſhall ſhew that the Title of the *Norman* Kings to the *Engliſh* Crown was by Election, out of the 45th Chapter.

Thirdly, That the Government of the *Normans* proceeded upon the *Saxon* Principles, and firſt of Parliaments, out of the 46th Chapter.

Fourthly, That the Entry of the *Normans* into this Iſland could not be by Conqueſt, out of Chapter 55th.

Fifthly and Laſtly, Give a brief Survey of the Senſe of Writers, concerning the point of Conqueſt, out of Chapter 56th of the ſaid Book, faithfully Tranſcribed Word for Word, and then leave the whole Matter to the Judgment of the Impartial.

The Firſt Article is an Account of the *Norman* Entrance being in Chapter 44th:

Thus (ſaith *Bacon*, immediately after his Epilogue to the *Saxon* Government) was *England* become a Goodly Farm; the *Britons* were the Owners; the *Saxons* the Occupants, having no better Title than a Poſſeſſion upon a

Forcible Entry, with a Continuando for the ſpace of 400 Years, ſeldom quiet, either from the Claims and Diſturbances of the Reſtleſs *Britons*, or Invading *Danes*, who not only got footing in the Country, but ſettled in the Throne, and alſo gave over the ſame to the Uſe (as it prov'd) of another People, ſprung from the wild Stock of *Norway*, and thence Tranſplanted into a milder Climate, yet ſcarcely Civiliz'd; that in one Iſle the Glory of God's Bounty might ſhine forth to all the Barbariſm of *Europe*, in making a Beautiful Church out of the Refuſe of Nations: Theſe were the *Normans* out of the Continent of *France*, that in their firſt View appear'd like the Pillar of the Cloud, with terror of Revenge upon the *Daniſh* Pride, the *Saxon* Cruelty, and Idolatry of both People; but after ſome Diſtance ſhew'd like the Pillar of Fire, clearing God's Providence for the Good of this Iſland, to be Enjoy'd by the Succeeding Generations. Nor was this done by Revelation or Viſion, but by Over-ruling the Aſpiring Mind of Duke *William* of *Normandy*, to be a Scourge unto *Harold* for his Uſurpation, and unto the People for their cauſeleſs deſerting the Royal Stem. Yet becauſe the haughtieſt Spirit is ſtill under Fame and Opinion, and cannot reſt without Pretence or Colour of Right and Juſtice, the Duke firſt Arm'd himſelf with Titles, which were too many to make one good Claim, and ſerv'd rather to buſy Mens Minds with Muſing, whilſt he catcheth the Prey, than ſettle their Judgments in approving of his Way.

Firſt, he was Couſen-German to the Confeſſor, and he Childleſs, and thus the Duke was nigh, tho' there were nigher than he; but the worſt point in the Caſe was, that the Duke was a Baſtard, and ſo by the *Saxon* Law without the Line; nor was there other Salve therein but the *Norman* Cuſtom, that made no Difference; ſo as the Duke had a Colour to frame a Title, tho' *England* had no Law to allow it; and this was the beſt Flower of his Garland, when he meant to ſolace himſelf with the *Engliſh*, as may appear by what his Son, *Henry* the Firſt, ſets forth to the World in his Charter, whereby he Advanc'd the Abby of *Ely* into the Degree of a Biſhoprick, and wherein amongſt other Titles, he calls himſelf Son of *William* the Great, *Qui Edwardo Regi Succeſſit in Regnum jure Hæreditario.* But if that came ſhort he had the Bequeſt of the Confeſſor, who deſign'd the Duke to be his Succeſſor, and this was Confirm'd by the Conſent of the Nobility, and principally of *Harold* himſelf, who in Aſſurance thereof promis'd his Siſter to the Duke in Marriage *(M. Paris Ant. Brit. Eccleſ. 36)* This countenanc'd a double Title; one by Legacy, the other by Election, and might be ſufficient, if not, to make the Duke's Title Juſt, yet *Harold*'s the more unjuſt, and to ground that Quarrel, that in the Concluſion laid the Duke's Way open to the Crown. And for the better Varniſh, the Duke would not be his own Judge, he refers his Title to be diſcuſs'd at the Court of *Rome*, and ſo flatter'd the Pope with a judiciary Power among Princes (a Trick of the new Stamp) whereby he obtain'd Sentence in his own Behalf from the Infallible Chair. The Pope glad hereof laid up this amongſt his Treaſures as an Eſtoppel to Kings for times to come; and the King made no leſs Benefit of Eſtoppel againſt the *Engliſh* Clergy, that otherwiſe might have Oppos'd him, and of Aſſurance of thoſe to him that were his Friends, and of Advantage againſt *Harold* that had gotten the Crown *ſine Eccleſiaſtica Authoritate*, and by that means had made Pope *Alexander* and all the Prelates of *England* his Enemies. *(Mat. Paris)* But if all fail'd, yet the Duke had now a juſt Cauſe of Quarrel againſt *Harold* for Breach of Oath and Covenant, wherein if *Harold* chanc'd to be Vanquiſh'd, and the Crown offer'd itſelf fair, he might without breach of Conſcience or Modeſty accept thereof, and be accounted Happy in the Finding, and Wiſe in the Receiving, rather than unjuſtly Hardy in the Forcing thereof. And this might occaſion the Duke to Challenge *Harold* to ſingle Combat, as if he would let all the World know that the Quarrel was Perſonal, and not National *(Hiſt. vit. Eadm.)* But this Mask ſoon fell off by the Death of *Harold*, and the Duke muſt now explain himſelf, that it was the Value of the *Engliſh* Crown, and not the Title that brought him over. For tho' he might ſeem as it were in the heat of the Chaſe to be drawn to *London*, where the Crown was, and that he rather ſought after his Enemies, than it; yet as ſoon as he perceiv'd the Crown in his Power, he diſputed not the Right, altho' that was *Edgar*'s, but Poſſeſs'd himſelf of the long deſir'd Prey; and yet he did it in a mannerly way, as if he ſaw in it ſomewhat more than Gold and precious

Stones; for tho' he might have taken it by Raviſhment yet he choſe the way of Wooing, by a kind of mutual Agreement. Thus this mighty Conqueror ſuffer'd himſelf to be Conquer'd, and ſtooping under the Law of a *Saxon* King, he became a King by Leave, wiſely foreſeeing that a Title gotten by Election is more certain, than that which is gotten by Power. Thus much for the 1ſt Article.

The Second is, That the Title of the *Norman* Kings to the *Engliſh* Crown was by Election.

Some there are that build their Opinion upon paſſionate Notes of angry Writers, and do conclude that the Duke's Way and Title were wholly by Conqueſt, and thence infer ſtrange Aphoriſms of State, deſtructive to the Government of this Kingdom. Let the Reader pleaſe to peruſe the enſuing Particulars, and thence Conclude as he ſhall ſee Cauſe---It will eaſily be granted that the Title of Conqueſt was never further than the King's Thoughts, if it ever enter'd therein; elſe wherefore did he pretend other Titles to the World?

But becauſe his Wiſdom would not ſuffer him to pretend what he intended, and yet in Practice intended not what he did pretend; it will be the skill of the Reader, to conſider the Manner of the firſt *William*'s Coronation, and his Succeeding Government. His Coronation queſtionleſs was the ſame with that of the Antient *Saxon* Kings; for he was Crown'd in the Abbey of *Weſtminſter*, by the Arch-biſhop of *York*, becauſe he of *Canterbury* was not Canonical: At his Coronation he made a ſolemn Covenant to obſerve thoſe Laws which were *Bonæ & approbatæ & Antiquæ Leges Regni*; To Defend the Church and Churchmen; to Govern all the People Juſtly; to Make and Maintain Righteous Laws; and, to Inhibit all Spoil and unjuſt Judgments.

The People alſo entred into Covenant with him, that as well within the Land as without, they would be faithful to their Lord King *William*, and in every Place to keep with all Fidelity, his Lands and Honours, together with him, and againſt Enemies and Strangers to Defend. (*Hoveden. Eadmer. Hiſt. L.* 1. *P.* 13. *M. Paris vit. Gulielm. Malmesb. L.* 3. *fo.* 154.) It is the ſelf-ſame in Subſtance with the Fealty that the *Saxons* made to their Kings, as will appear by the Parallelling them both together.---The *Saxons* were ſworn to Defend the Kingdom againſt Strangers and Enemies, together with their Lord the King, and to preſerve his Lands and Honours, together with him with all Faithfulneſs; ſo as by the *Saxon* way, the Allegiance firſt Terminated on the Kingdom, and then, as in Order thereunto, upon the King with his Lands and Honours: But the *Norman* either wholly Omitted the Firſt as needleſs to be Inſerted in a Municipal Law, itſelf being a Law in Nature, or elſe includeth all within the Words, Lands and Honours, taking the ſame in a Comprehenſive Senſe for the whole Kingdom, and ſo made up the Sum of the *Saxon* Fealty in fewer Figures, which may ſeem more probable of the Twain; becauſe little Reaſon can be rendred why the King ſhould reſtrain that Defence to his private Lands (if he Claim'd all by Conqueſt) when as all equally Concern'd him; or why he ſhould exclude the Publick, when as both himſelf, and all he had was Embarqued therein; and it might ſubſiſt without him, but contrarily not he without it, appeareth not to my Underſtanding; nor did the thing enter into the King's Purpoſe, if the File of his Purpoſes be rightly Conſider'd. For ſpeaking concerning Caſtles, Burrows and Cities, which in Nature are Limbs of the Common-wealth, he ſaith, that they were built for the Defence of the People and Kingdom; was this the Service of Walls and Fortifications, and not much rather of Men within thoſe Places of Strength? Certainly the plain *Engliſh* is, that in time of Breach of Publick Quiet and Peace, the Subjects were bound to Defend the Kingdom, and in Order thereto the People of the ſame, and of the King's Right included in the Publick Defence; elſe it were a ſtrange Concluſion, that each Man in particular, and in their own Perſon alone, was bound to Defend the King's Right, but being Embodied, the Kingdom. And yet more clearly its Apparent in that the Order of Knighthood, which was the chief Strength of the Nation in thoſe Days, was determin'd upon the Service of the King, and Defence of the Kingdom; or which is more plain, for the Service of the King in, or for Defence of the Kingdom; as the Statute of *Mortmain* expounds the ſame (7. *Ed.* I.) But not to force the King's Senſe by Argument; if the King had purpoſely omitted that Clauſe of the Kingdom's Safety, as of inferior regard to his own Perſonal Intereſt;

it was one of his raſheſt Digreſſions, wherein he ſoon eſpied his Error. For in the midſt of his Strong and Conquering Army, he held himſelf unaſſur'd, unleſs he had a better Foundation, than that which muſt change with the Lives of a few at the utmoſt.

And therefore, beſides the Oath of Fealty formerly mention'd, he eſtabliſh'd a Law of Aſſociation, that all Freemen ſhould be ſworn Brethren. 1ſt, To Defend the Kingdom with their Lives and Fortunes againſt all Enemies, to the utmoſt of their Power. 2dly, To keep the Peace and Dignities of the Crown. 3dly, To maintain Right and Juſtice by all means, without Deceit and Delay. Joyn then theſe two Oaths together, *viz.* that of Fealty, and this of Fraternity, and it will eaſily appear, that the Allegiance of the *Engliſh* to the *Norman* Kings was no other than what might ſtand with Brotherhood, and tender Regard of the Publick above all, and differing from the *Saxon* Fealty only in this, that that was in one Oath, and this in two. Wherefore whatſoever Reſpects ſteer'd in the Rear of the King's Courſe, its leſs material, ſo long as the Van was right, albeit that the Sequel will prove not much different from the Premiſſes, as will appear in the foot of the whole Account.

Thus entred the firſt *Norman* upon the *Saxon* Throne; and as he had ſome Colour of Right to countenance his Courſe, ſo had his Son his Father's Laſt Will, and yet he had as little Right as he. This was *William Rufus*, that was of his Father's Way, but of a deep Dye, and therefore might well be call'd *William Rufus*, or *William* in Grain. He was exceeding Happy in the Fear or Favour of the People: for he had nothing elſe to make room for his Riſing.—True it is, he had the Good Will of his Father, but he was Dead, and probably the People as little regarded it, as he did them; nor was it ever obſerv'd, that the *Engliſh* Crown was of ſo light Account, as to paſs by deviſe of *Ceſtui que uſe*, and therefore tho' it was deſign'd to him from his Father, yet both Right and Poſſeſſion was left to the People to Determine and Maintain. The Clergy firſt led the way, having firſt taken a Recognizance of him for his good Behaviour towards them, which he aſſur'd, as far as large Promiſes and Proteſtations would ſerve the turn, and within one Year after, ſtanding in need of the Favour of the Commons (to maintain Poſſeſſion againſt his Brother *Robert*) he gave them as good Security as the Clergy had; which he kept in ſuch manner, that it was a wonder, that one of ſo ſmall Intereſt in the Title, but what he had by the Peoples Leave and Favour, ſhould Rule in ſuch Manner, and yet die a King; the Favour of the People being like a Meteor, that muſt be continually fed, or it ſoon goes out and falls. For evident it is, that the Right of Inheritance was his Elder Brother *Robert's*, who was the Braver Man, and more Experienc'd Soldier, and upon theſe Principles had obtain'd the Love of the *Norman* Barons (the Flower of his Father's Chivalry) and the liking of the Clergy, after they had found by Experience the Emptineſs of their Hope in his Brother *William*, and was every way ſo Superior to his Brother in Advantages, as we are left to believe that *William* got the Day without any other Ground, but only that God would ſo have it. It's true, the *Engliſh* ſtuck cloſe to him, but how they were Gain'd or Contain'd, Writers ſpeak not, but tell us of his Promiſes, which alſo they tell us were vain, and never had Iſſue further, than would ſtand with his Profit.

Exit *William Rufus*; and in comes his Younger Brother *Henry*, the Firſt of that Name: A Prince that Excell'd in Wiſdom, and by it Rul'd his Courage, which ſerv'd him ſo far as his Aims and Ends reach'd; his Title was no better than his Father's or Brother's, but rather worſe; for he had no Colour of a Laſt Will to propound him to the People, and his Elder Brother *Robert* was ſtill alive, and by his Church-Service, in the War of *Jeruſalem* might merit that Reſpect of the Clergy, as not to permit him to be a Loſer, by well-deſerving Service, as in thoſe Days that was Accounted. Nevertheleſs the *Engliſh* look upon *Henry* as the fitter Man for their Turn, being now at Hand, and *Robert* at *Jeruſalem*; and being a Native, Born in *England*, Civiliz'd into the *Engliſh* Garb by Education, and of a wiſer and fairer Demeanour, and more inclinable to Peaceable Government, which both *Normans* and *Engliſh* were much inclin'd to, as being weary of 30 Years Service in the Wars; and therefore it's not marvellous, if they applied themſelves to him in a way of Capitulation, and leſs Wonderful if he hearken'd thereunto;

and yet neither Unadviſedly yielded to by him, nor Traiterouſly propounded by them, as ſome, in zeal to Monarchy, conclude the Point. The worſt of the whole Matter reſting in this, that the King bound himſelf to be Juſt, that he might be Great, and the People to ſubmit unto Juſtice, that they might be Free, like as their Anceſtors were, and themſelves, by the Law Eſtabliſh'd, ought to be. For the Capitulation was in Subſtance ſettled by the Antient Laws of the *Saxons*, mix'd with ſome Additions of Laws made by the King's Father, with the joynt Advice of the Grand Council of the Kingdom; all which both the *Norman Williams* had often Confirm'd by Solemn Proteſtations and Promiſes; however their Actions upon ſudden Surprizal were *Malæ conſuetudines & Exactiones injuſtæ*, by this King's own Acknowledgment.---Thus theſe 3 *Norman* Kings made their way to the Throne; the 1ſt by Arms, under colour of Title; the 2d by a kind of Title, under colour of Arms; and the Laſt by Favour; but all Entred the ſame by Capitulation, Election, and Stipulation; and for the general had ſome regard to ſuit their Courſe in order to retaining the Good will of their People, altho' in a different Meaſure according to the difference of Occaſions.

The Third Article is, that the Government of the *Normans* proceeded upon the *Saxon* Principles, and 1ſt of Parliaments.--The Principles, which I mean, are theſe. Firſt the Legiſlative Power, and Influence thereof upon the Whole. Secondly, The Members of that Government, with their ſeveral Motions. Thirdly, The Laws and Cuſtoms, or Rules of thoſe Motions.

And Firſt concerning the Legiſlative Power. Altho' it be true that the Firſt *William*'s great and moſt conſtant Labour was to Have and to Hold, and had but little Time or Liberty to Enjoy; yet that time of Reſt, which he had, he did apply it and himſelf in the ſettling of the Laws by the Advice of Common Council; I ſay, not by Advice of his own Heart, or 2 or 3 *Norman* Lords, or of the *Norman* Nobility only, as ſome Men take the Confidence to Aver, as if they had been Eye-witneſſes to the Actions of thoſe Days; but by the joint Advice of the Grand Council of the Lords and Wiſemen of the Kingdom of *England*. I will not inſiſt upon Force of Argument, to ſhew, that common Reaſon muſt of Neceſſity ſway the King into this Courſe, but ſhall reſerve that to another Place; the Teſtimonies of Writers muſt now ſerve the turn.

And herein the Chronicle of *Litchfield* muſt have the Firſt Place; which ſpeaks both of a Council of Lords, and ſaith, that by their Advice he caus'd to be Summon'd a Meeting of all the Nobles and Wiſemen throughout all the Counties of *England*, to ſet down their Laws and Cuſtoms. This was in the 4th Year of his Reign, or rather after his Entry, and as ſoon as the Kingdom was brought into any reaſonable Poſture of Quiet: And which, beſides the Intention of Governing the Kingdom according to Law, doth ſtrongly pretend, that the Parliament had the Legiſlative Power, and Right of Cognizance and Judicature in thoſe Laws that concern'd the Kingdom in General; and for the particular Laws and Cuſtoms of ſeveral Places or Precincts, it was referr'd to a Committee or Jury in every County to ſet forth upon Oath.

Secondly, That this Council had Power to Change Laws, may likewiſe appear in that Act made concerning the Introduction of the Canon-Law, which ſhews not only the Power of that Council in Church Matters, but alſo that the Canon was no further in Force, than the ſame would allow; and this was alſo done by the Common-Council, and the Council of the Arch-biſhops, Biſhops, Abbots, and all the Princes of the Kingdom, which Connexion ſhews plainly, that there was Council beſides that of the Prelates and Princes.

Thirdly, In Matters of general Charge upon the whole Body of the People, the King us'd alſo the Help of this Grand-Council, as may eſpecially appear in the Charge of Arms impos'd upon the Subjects; its ſaid it was done by the Common-Council of the whole Kingdom, and is Witneſſed even by the King's own Law. It may ſeem alſo that the Grand Officers of the State were Elected by ſuch Grand Aſſembly of the Wiſemen: For we find that *Lanfrank* was Elected to the See of *Canterbury* by the Aſſent of the Lords and Prelates, and of the whole People, *i. e.* by the Parliament of *England*: And as probable it is that Biſhops were therein alſo Elected, for that the Biſhop of *Litchfield* reſign'd his Biſhoprick in ſuch like Aſſembly, if the Meaning of *Lanfrank* be rightly underſtood, who ſaith in his Letter, that it was in *Conventu Epiſcoporum atq; Laicorum* (*leg. Gulielm. Cap.* 58. *Antiq; .Brit. fol.* 110. *Baron. Annal.* 1070.) Laſtly, that one Law of this King's, which may be call'd the 1ſt Magna Charta in the *Norman* Times, by which the King reſerv'd to himſelf, from the Free-Men of this Kingdom, nothing but their Free-Service; in the Concluſion ſaith, that their Lands were thus granted to them in Inheritance of the King, by the Common-Council of the whole Kingdom, and ſo Aſſerts in one the Liberty of the Free-Men, and of the Repreſentative Body of the Kingdom. (*Leg. Gulielm. Cap.* 55) Theſe Footſteps of the Parliament find we in the Conqueror's Time, beſides other more general Intimations ſcatter'd amongſt the Hiſtorians, which may induce Opinion to its full Strength, that this King, however Conqueror he was, yet made uſe of this Additional Power of Parliament to perfect his Deſigns, and it may be more often than either of his Sons, that yet had leſs Pretence of Superlative Power to Countenance their Proceedings.

William Rufus was a Man of Reſolution, no whit Inferior, if not Surpaſſing his Father, and had Wit enough for any thing, but to Govern his Deſires, which led him many times Wild, and might occaſion Conceit, that he was almoſt a Mad King, tho' he were a witty Man; and therefore its the leſs marvel, if he us'd not the Help of the Common-Council more than needs muſt; where Kings many times are told of that which they are loth to know-- Neverthelеſs *William* the IId, could not paſs over 13 Years without a Parley with his Commons and Clergy, unleſs he meant to adventure a Parley between them and his Brother *Robert*, who like an *Eagle* ey'd his Poſture tho' he Hovered afar off. But,

Henry the Iſt was more Wiſe, and being train'd up even from the Cradle in the *Engliſh* Garb, moraliz'd by Learning, and now admitted into the Throne, found it the wiſeſt Courſe to apply himſelf to the Rule of an *Engliſh* King, viz. To Win and Maintain the good Opinion of the People by Conſorting together with them under one Law, and Pledging himſelf thereto by taking unto Wife one of the *Engliſh* Blood-Royal: By this Means he refus'd and re-aſſum'd the *Engliſh* in Partnerſhip with the *Normans* in their Antient Right of Government, and reconcil'd the Minds of the People under a lively Hope of enjoying a ſettled Government. Nor were they greatly deceiv'd herein; for his Courſe was leſs Planetary than that of either of his Predeceſſors, and yet we find little ſaid of his Parley with his People in a Parliamentary way, altho' more of his Laws than of any of his Predeceſſors. The Reaſon will reſt in this; that the Writers in thoſe Times touch more upon Matters of Ordinary, than Political Obſervation, and regarded rather the Thing, than the Place or Manner how. The Laws therefore, altho' they are not intitul'd, as made in Parliament, yet in the Continuation of *Bede*'s Hiſtory its noted, that the King renew'd or confirm'd the Antient Laws *in Concilio peritorum & proborum virorum Regni Angliæ*, which may give ſufficient Cauſe to ſuppoſe, that he declin'd not the Antient way, no more than he did the Antient Law.

The Fourth Article is, That the Entry of the *Normans* into this Iſland could not be by Conqueſt.—That in point of Fact, the Entry of the *Normans* into *England* was not by Conqueſt, will ſufficiently appear from what hath been already Noted; I ſhall make one ſtep further and ſhew, that as Affairs then ſtood with the Conqueror, it was impoſſible for him to merit that Name againſt the ſtream of Providence that had pre-engaged him to 3 ſorts of Men, *viz.* The *Normans*, the Clergy, and the Commons of *England*: It muſt be taken for a Ground, that Duke *William* muſt give all fair Correſpondence to the *Normans*, conſidering they are Members of his own Body, and the Arm of his Strength, without which he could do nothing. And its not leſs certain, that however the Sea divided the 2 Countries, yet long before the Arrival of the Army, the *Normans* and *Saxons* were ſo well acquainted by the latter Acceſs of the *Danes*, that partly by Marriage and other Intereſts the *Normans* made ſo great a Party in *England*, as that Party merited no leſs from the Duke in his Entrance, than thoſe he brought with him; and therefore they and their Allies, in all reaſon, muſt expect ſuch Reward of their Faithfulneſs to him, as the others had; nor could the Duke deny the ſame, unleſs he had diſclaim'd his own Intereſts, whereof he had none to ſpare. *2dly*, Their Merit from the Duke was accompanied with no leſs mutual Relation to his Army, being of the ſame Blood with themſelves, and of antient Acquaintance, and as impoſſible

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impoſſible for the Duke to keep them from Aſſociation with the mix'd People each from other, one or both of which muſt be done, and the Conquerors muſt be kept from incorporating with the Conquer'd, or elſe the Law of Conqueſt cannot hold. *3dly*, If theſe two had failed, yet had the Duke, by his manner of rewarding his Army, diſabled himſelf from holding however he might ſeem to hold by Conqueſt.

This was his Gift of Mannors, Lands and Franchizes unto his Soldiers, compleated with their antient Rights and Privileges in Free-Service; otherwiſe it had been little better than a Trap to bring his own Men into Bondage, who lately were Free-Soldiers under no better than a Duke of their own Country, who, however big, yet had not brought forth a Sovereignty into the World; their Duke no compleat King, nor themſelves ſo mean as Vaſſals; and it was equally difficult for him to get up higher, as for them to ſtoop lower: And however it was dangerous now for the Duke to try Maſteries, unleſs he meant to hazard all, and to change the Subſtance for the Shadow.

Laſtly, To lay them all aſide, and to take the *Normans* as in themſelves conſider'd, a People under ſuch Laws and Cuſtoms as were the ſame with the *Saxons*, and Originally in them, and from them deriv'd into *Normandy* by *Rollo*, or ſome other; or take them as a People willing to lay aſide their own Law, as ſome Writers affirm, and more willing to take up the *Daniſh* Cuſtoms, which were alſo very nigh a-Kin to theirs, and in part ſettled by the *Danes*, in that Part of the Kingdom where themſelves moſt reſided. It muſt be concluded, that a Government by Law was intended, and ſuch a Law that was no way croſs to the Fundamental Laws of this Kingdom, but concurring therewith; in every of which regards, the future Generations may juſtly claim their Immunities as Succeſſors and Heirs unto the *Normans*, albeit, no *Saxon* could have enjoy'd or deriv'd the ſame to Poſterity. A 2d Sort of Men that made the King uncapable to hold by Conqueſt was the Clergy; a conſiderable Part of the Kingdom in thoſe Days, when as in every Nation they grew Check-Mate, and in this Kingdom had well nigh the one half of the Knights-Fees, and thereby a Principal Part of the Strength of the Kingdom, beſides the Conſciences of them all;

and for a Reſerve they had the Pope in the Rear, whoſe Power in every Kingdom was little inferiour to that of the King's own, and therefore ſufficient to ſtop an Abſolute Conqueſt, unleſs it were firſt conquer'd.--- But the King came in upon great Diſadvantages in both theſe Regards. For whereas his Pretence upon his Entry was to advance Juſtice principally toward the Clergy, who formerly were wrong'd by *Harold*, or voic'd ſo to be, this bound him from Injuſtice and Oppreſſion; and furthermore, the Pope had him in a double Bond; one as Prince of the *Engliſh* Clergy, the other as Judge of the Title of the Crown by the King's own Election, and that by Sentence; for the King had merited by him, if not to hold the Crown it ſelf by Fealty to the *Roman* See, yet by ſuch Services, as that the Tripple Crown ſhould be no Loſer; the King therefore muſt reſolve to have no more to do with the Church, than will ſtand with the Pope's Liking, unleſs he mean'd to adventure himſelf, and all he had into the Danger of the great Curſe, of which the King would ſeem more ſenſible, than perhaps he was. Nor were thoſe Times of the Church ſo moderate, as to bring forth Churchmen, that would catch the Goodwill of the Laity by Condeſcenſion, or Popes of that Height of Perfection, as to part with one tittle of their great Titles, much leſs ought of that Pitch of Power which they had grip'd, tho' it would ſave the World from Ruin. In all which Regards the *Norman* Duke was too far inferiour to attain by Conqueſt any Thing in this Kingdom, wherein the Pope or Clergy claimed ought to have or do. A third Sort of People avoided the Dint of Conqueſt, either by timely ſiding with the *Norman*, or by conſtant reſiſting of him, or by Neutrality. Of the firſt Sort, were many, both Lords and others, that by Affinity and Conſanguinity were become *Engliſh* Men to the *Norman* Uſe; others were purchas'd thereunto by the Clergy, that were zealous for the Pope's Honour, that was engag'd in the Work. Of thoſe likewiſe that were reſolute in Defence of their Country, there were not a few, that purchas'd their Liberty, who otherwiſe might under a Pretence of Treachery have forfeited the ſame to the Rapacious Humour of the Conqueror; and this was not done only by Valour, for *Normandy* ſtood in a tottering Condition with their Duke, partly drawn away by the *French*, that fear'd the Duke would be too ſtrong for them, and partly declining their own further Aid, leſt the Duke ſhould be too great for the Dutchy. It was therefore Wiſdom in the Conqueror to ſettle the *Engliſh* Affairs in the faireſt Way to gain them for himſelf, who had been ſo brave againſt him. But the greateſt Number, eſpecially of the Commons, look'd on while the Game was playing, as contented with the Caſt of the Dice, whatever it ſhould be. Theſe were afterwards by the King look'd upon, not as Enemies, (as the Preſident of *Edwin* of *Sharnebarn* witneſſeth ſufficiently) but as ſuch who either were, or by fair Carriage would be made his Friends; and therefore he concluded under a Law of Aſſurance, that they, that had been ſo peaceable, ſhould have, and enjoy their Lands as entirely and peaceably as they had formerly done before his Entry.

To conclude therefore this Point; if theſe three Parties of the *Engliſh Normans*, the *Engliſh* Clergy, the ſtout *Engliſh*, and the peaceable *Engliſh* be ſet aſide from the Title of Conqueſt; it will be probable, that not one 10th Part of the Kingdom, were ever under other Change, than of the Governor's own Perſon.

The 5th and laſt Article gives a brief Survey of the Senſe of Writers concerning the Point of Conqueſt. The Clamours in Story, that the Conqueror alter'd and made Laws at Pleaſure, brought in new Cuſtoms, moleſted the Perſons and Eſtates of the People with Depopulations, Extortions and Oppreſſions, and others of that Nature, have made latter Times to conclude his Government to be (as of a Conqueror) meerly Arbitrary, and that he did what he liſt. How different this Concluſion is from the Intent of thoſe Writers I know not; but if the King's Title and Government were as a Conqueror, then was his Will the only Law, and can adminiſter no Cauſe of Complaint of Wrong and Oppreſſion; and therefore if theſe be taken in Nature of Complaints, they declare plainly, that there was a Law in Title, or elſe there could have been no Tranſgreſſion, or Cauſe to Complain. But if the Reader ſhall apprehend theſe Paſſages in Writers to be no other than ſober Relations; then were it not amiſs to conſider from what Sort of Men theſe Complaints or Relations do proceed, *viz.* from; Writers that have been Cloyſter'd Men, little ſeen in Affairs of State, more than by common Report and Rumour; prejudic'd by the King's Diſpleaſure againſt their Cloyſters, and therefore apprehenſive of Matters in the ſaddeſt Senſe, and many Times far beyond the Truth, and might as well be ſuppos'd to miſ-relate, as to miſtake. For if we ſhall touch upon Particulars, I think no Man will deny, but the King allow'd Property indifferently, as well to *Normans* as *Engliſh*, if the Premiſſes be rightly conſider'd; and therefore, tho' ſomewhat be true of the Plundering of Houſes of Religion, Perſecuting of the *Engliſh* Nobility, Depoſing of Biſhops and Abbots, whereof they ſpeak; yet all might be deſervedly done in a Legal Way, and in Execution of Juſtice, whereof Hiſtories are not altogether ſilent. Nevertheleſs if, in the Proſecution, the King did ſhew a Kind of Rage, and ſome Raſhneſs, it might be imputed to the common Infirmity of great Men; for as Oppreſſion upon thoſe that are Inferior makes them mad, ſo doth Treachery againſt them that are Superior make them little other; eſpecially if they be overtaken with a Fit of Paſſion in the Inſtant, or their Minds wrapt in a Whirl-Pool of Affairs. But the Change of Laws makes the greater Noiſe, wherein what Change they ſuffer'd, may appear from the Premiſſes, if Writers have dealt uprightly; otherwiſe general Imputations without particular Inſtances will never ſway Opinion contrary to the Current of the Laws that are publiſh'd; eſpecially ſeeing we have obſerv'd the Error of the beſt Hiſtorian of thoſe Times, in calling thoſe Things new, which were antiently us'd in *England*, before *Normandy* was in the Condition of a State. Yet if this ſhould be granted, and that there were ſuch change of Laws as is pretended, it makes nothing to the Point of Conqueſt, ſo long as the new Laws are made by Advice of Council, and for the common Good, and ſo long as they are eſtabliſh'd to be Rules for Government. I remember it's affirm'd by ſome of thoſe antient Writers, that the Duke or King would have brought in the Cuſtom of *Norway*, but the earneſt Mediation of the *Engliſh* prevail'd againſt it; and this evinceth Two Things to my Opinion; *Firſt*, That there was Queſtion made what Law ſhould be eſtabliſh'd; *2dly*, That notwithſtanding the Intereſt that the *Normans* had in the Kingdom, they could not prevail to bring in the whole Body of their Law, or of the Cuſtoms of *Norway*, which were not only the *Prima materia* of their Law, but alſo in Kind, had a Settling at that very Time in thoſe Places in this Kingdom, where the *Danes* had their Principal Seat; and therefore not altogether ſtrange to the *Saxons* themſelves. The Sum of which will be this, that upon Debate a Law muſt be ſettled, and that not the Law of the Conqueror's own Will, nor the Law that ſutes with his Deſire, but the antient Law of the Kingdom; and therefore if at any Time the Unquietneſs of ſome of the *Engliſh* brought the King to ſome Thoughts of Arbitrary Rule, and to ſhake off the Clog of the *Saxon* Law; it was long e'er it ſtirr'd; and ſprang up too late to raiſe the Title of Conqueſt, and wither'd too ſoon to ſettle it. As touching the Change of Cuſtoms (for that alſo is imputed to the Conqueror) it cannot be deny'd, but ſome Alteration might be in Matters of ſmaller Conſideration, yet are the Writers not without Miſtake in the particular Inſtances: For whereas they tell us, that the Conqueror took away the Cuſtom of *Gavel-kind*, and brought the Cuſtom of Deſcent to the eldeſt Son; and that *Kent* ſav'd their Liberties, and continu'd this Cuſtom of *Gavel-kind*: I ſhall not contend about the Liberties of *Kent*, but muſt, till I ſee better Reaſon, hold the Opinion of the change of Inheritance to be a meer Conceit: For (beſides what hath been already ſaid concerning that Cuſtom of *Gavel-kind*) if we believe *Glanvil*, the Difference was between Lands holden by *Knights Service* and in *Socage*; The firſt of which, in his Time by antient Cuſtom always deſcended to the eldeſt; and thoſe Lands that were holden in *Socage* (if not partible by Cuſtom, in which Caſe they were equally to all the Sons) went by Cuſtom in ſome Places to the eldeſt, in other Places to the youngeſt; ſo as the Right of Inheritance in the *Norman* Times was Cuſtom, as well as in former Times. And furthermore, if the Cuſtom of *Gavel-kind* had been the general Cuſtom of this Nation, the King by his change had contradicted his own Prerogative, and granted as great a Liberty to his Subjects as could have been invented: For had the Cuſtom of *Gavel-kind* happen'd upon the Lands in *Knights Service*, it had brought all the Sons under the Law of *Wardſhip*, and had made a ready way to enthrall all Men of worth, and undo all Husbandry; the firſt whereof had been as advantagious to the King's Private Intereſt, as both deſtructive to the Publick. Nor is it clear from any Author of Credit, that the *Normans* chang'd the Tenures of Lands; albeit that it cannot be denied, but ſuch Lands, as he had by Forfeiture, or otherwiſe, were in his own Power to diſpoſe, upon what Tenure he pleas'd; for as well before the *Normans* Time, as long after, Tenures were like as the Services were, all at the Will of the *Donor*; and were of as many Individuals almoſt as the Minds of the Owners; ſome being of more general regard and publick Uſe, are recorded amongſt the Grounds of *Engliſh* Laws; none of which appear to me to be of *Norman* Original, although they receiv'd their Names according to that Dialect.

The next Thing objected is the Change of Language; which Thing ſome Writers tell us the King endeavour'd; or which is worſe, to be ſo Abſolute, as to be Abſolute Tyrant; and to publiſh Laws in a Foreign Language, that the People through Ignorance might the rather Tranſgreſs, and thereby forfeit their Eſtates; this (if true) differ'd ſo far from the Nature of a Conqueror, as rather proveth he was put to his Shifts: Nevertheleſs the Thing taſteth ſo much of Spleen, that it may occaſion Diſtruſt of other Relations concerning this Subject. For, beſides, that it is Nonſenſe for a Conqueror to entitle himſelf by a Cheat, where he hath an elder Title, by Conqueſt; I ſhall in full anſwer to that Calumny inſert a Paſſage of an Hiſtorian, that was in the continual View of Publick Affairs in thoſe Times, who ſpeaking of the Conqueror, ſaith, that he commended the Confeſſor's Law to his Juſtices, in the ſame Language wherein they were wonted formerly to be written, leſt, through Ignorance, the People might raſhly offend. (*Ingulphus.*) And another Author ſaith, that the King had a Deſire to learn the *Engliſh* Tongue, that he might the better know their Law, and judge according thereto. (*M. Paris.*) It's probable nevertheleſs, that the Laws were in the *Norman* Tongue; and it's no leſs likely, that the Pleadings in real Actions eſpecially, were alſo in the ſame Language; elſe muſt the *Normans* be put to School to learn *Engliſh*, upon Peril of Loſs of their Eſtates: But that either the written Laws were wholly concluded into the *Norman* Tongue, or that the publick Pleading of

Cauſes by Word of Mouth in all Actions, where the Iſſue was left to the Country, were in any other Language than *Engliſh*, no adviſ'd Reader will conceive; ſeeing it had been a Madneſs for an *Engliſh* Jury to paſs their Verdict in any Caſe, wherein it's likely many of them underſtood ſcarce a Syllable of the *Norman* Language, much leſs ought upon the Matter, upon which their Verdict ſhould be grounded. Add hereunto, that it's not likely, but the Conqueror inhibited the Uſe of the *Engliſh* Language in all Matters of Publick Record, in as much as the Charters made by him to Corporate Towns and Franchiſes were ſometimes in the *Saxon*, more generally in the *Latin*, but ſeldom or never in the *Norman* Dialect; and that Pleadings and Indictments were entred in like manner in the *Latin* Tongue (as formerly by an old Cuſtom brought in by the Clergy, was us'd.) For the Clergy who had gotten the Key of Knowledge and Law in their own Cuſtody, laid it up in that Language, whereof the Commons had little Knowledge, that they might thereby be enforc'd to depend upon theſe Men for Juſtice, as well as for Piety. The *Normans* therefore either found it too hard to alter the former Cuſtom in ſuch Caſe; or elſe thought it the wiſeſt Way to chuſe the *Latin* for the third Language indifferent, as well to the *Normans* as *Saxons*, and beſt underſtood of any Foreign Tongue beſides, and yet endeavour'd to bring both People into one Language, as they were intended to be one People, and to preſs the Uſe of the *Norman* Tongue in Publick Affairs, ſo far as might conſiſt with good Government and Juſtice, leaving Time and Occaſion to work the Iſſue, which doubtleſs was much, and had been more, had the *Norman* Race continu'd on the Throne; but falling out otherwiſe, the *Engliſh* Blood prevail'd in the Head, and the Language continu'd Poſſeſſion, mix'd only with ſome *Norman* Words, as the People alſo were a mix'd People, ſo as the Language was not chang'd, tho' it was alter'd.

Laſtly, It's affirm'd, that the *Normans* did impoſe a new Cuſtom call'd *Coverfeu*; and it's thought by ſome to be a meer Vaſſalage, that every Man at the Noiſe of the Bell, every Night, muſt put out both Fire and Candle. And yet it is a Matter of no ſmall Concernment, that (as being in its own Nature convenient) *Scotland* receiv'd it without ſuch Coercion; and can be reputed no other than a ſeaſonable Advice, which any Corporation in Time of Danger might order within their own Precinct, without tranſgreſſing the Liberty of the Subjects. Of leſs Conſequence is that Change, which is alledg'd, was brought in by the *Normans* in the Sealing of Deeds of Conveyance, by ſetting a Print upon Wax annex'd to the Deed, which formerly was wont to be by ſetting a Print upon the Blank at the End of the Deed; and yet it's look'd upon by ſome as a Trophy of Conqueſt or Abſolute Government; concerning which I will not Diſpute, whether the *Normans* firſt brought in this Courſe, but ſhall reſt in this, that the King being about to compleat the Unity of the Laws in ſuperſtructure, as well as in the Fundamentals, if herein, and in ſome other Particulars, the *Engliſh* ſubmitted to the *Normans*, they likewiſe ſtoop'd to the *Engliſh* Law in other Things, and therefore ſuch Concurrences ought not to be imputed unto a Conquering Power, but unto Moderation among a Company of Wiſemen.

Thus having glanc'd at the Changes of Property, Laws, Tenures, Language, and ſome Cuſtoms, we come to that which is the main Occaſion of all theſe Complaints, I mean unlawful Taxes, Affortinges, and other ſuch Oppreſſions upon the Eſtates of the People; concerning which, I purpoſe not to contend, for much thereof is like to be true. The *Norman* King's (eſpecially the two *Williams*) being under continual Occaſion of Expence, many Wars, more Provocations, which kept them ever in Action, and that wrought their Spirits into an immoderate Heat, little inferiour unto Rage; and ſo they might ſoon out-reach their Bounds and ſit heavy on the People; and in ſuch Occaſions no Man eſcap'd, *Norman*, nor *Engliſh*, Clergymen, nor Laymen; nor did the Kings themſelves come off ſuch Gainers, but that they might ſometimes put up their Gettings into their own Eyes and ſee never a Whit the Worſe. And yet to do them Right, they were not always of ſuch ſad Influence, but had their *Lucida Intervalla*; eſpecially he that had the leaſt Cauſe, I mean the Conqueror, who certainly was a Man of a ſerious Regard, and did not only remit ſometimes his Rigour in exacting, where he ought not, but alſo forbare to require that, which he had ſome Colour to demand; for whereas the *Dane-Gelt* was left unto him in the Nature of an Annuity, he was contented to turn it into a Sum in Groſs, and to demand it only *cum ab exteris gentibus bella vel Opiniones bellorum inſurgebant*; and it was then done *conſultis Magnatibus.*

Theſe Things thus conſider'd might have mollified ſomewhat the Pens of angry Writers; and where they fail, may be Caution to Readers to conſider Occaſions and Diſpoſitions of Princes; and ſo long as Laws hold in Title, to conſtrue the Irregularities of Princes to be but as Steps out of the Path, to avoid a little Dirt, that a Man may get Home a little more cleanly; and therefore rightly can derive no other Title of Abſolute Sovereignty to their Succeſſors than to hold by Infirmity. And thus the Government under the *Normans*, at the worſt, was but like that of Childhood, following ſudden and preſent Deſires, not wiſe enough to Plot for Abſolute Monarchy, nor to keep up a Polity, which ſtill rooted underneath, tho' the Fruit, while it was now green, was harſh and unpleaſant.

I ſhall conclude this *Norman* Diſcourſe with this Advertiſement; that notwithſtanding the Words Conqueror and Conqueſt have often fall'n from my Pen, and hereafter may do the like, yet can I ſee no Reaſon why divers ſucceeding Kings coming to the Crown by Argument of the Sword, and not by Right of Deſcent, may not deſerve the Laurel, as well as the firſt *Norman* King, only becauſe Fame hath fancied him that Title, under a Kind of Preſcription, I do the like.

(1) *William.*] This Name was not antiently given unto Children in Youth, but a Name of Dignity impos'd upon Men in regard of Merit, but being ſince grown into a very ordinary proper Name, *Verſtegan* tells us, He thought good to place it among the reſt of his proper Names.

For the Etymology hereof the Reader ſhall pleaſe to underſtand, that the antient *Germans*, when they had Wars with the *Romans*, were not Arm'd as they were, but in a far more ſlight Manner, having ordinarily Swords, Spears, Shields of Wood, Halberts and the like, ſupplying the reſt with their great Strength and Valour; now when it ſo happen'd that a *German* Soldier was obſerv'd to kill in the

Field ſome Captain or Charge-Bearer among the *Romans*, (ſuch being well-arm'd, and their Helmets and Head-Pieces commonly gilt) the Golden Helmet of the ſlain *Roman* was (after the Fight) taken and ſet upon the Head of the Soldier that ſlew him; and he then honour'd with the Name and Title of *Gild-Helme*, which ſhould according to our preſent Orthography be Gilt, or Golden Helmet, which growing afterwards unto an ordinary Name, becauſe divers Names began with *Will* (as before ſome are noted) this was eaſily by wrong Pronunciation brought unto the like: Howbeit, among the *Franks* it kept the Name of *Guild-Helme*, and with the *French* (of their Offſpring) it gat the Name of *Guilheaume*, and ſince came to be *Guillaume*, and with the *Latines*, *Gulielmus*. (Verſtegan.)

(2) *Waltham*] A Market Town of *Waltham-Hundred*, in the furtheſt Weſt Parts of *Eſſex*. It ſtands on the Eaſt-ſide of the River *Lea*, which parts this Country from *Hertfordſhire*, and was of great Note in the Times of *Popery* for its rich Abby. It is 12 Miles from *London*.

(3) *Hugh*] It is antiently alſo written *Heught*, and alienated among Strangers unto *Hugo*; a Feſtival Seaſon they yet in the *Netherlands* uſe to call *Heughtyd*, *i. e.* Glad Tyde; for *Hugh* or *Heughe*, both being one, ſignifieth Joy or Gladneſs. It may be that our Hoc-Tyde, now corruptly ſo pronounc'd, did firſt come of *Heugh-Tyde*. (*Id*).

(4) *Roger*] It was at firſt *Rugard* or *Rougar*, and afterwards *Rugar*, and with us laſtly *Roger*; *Ro* or *Ru* is Reſt or Quietneſs, *Gard*, to Keep or Conſerve, ſo as *Rugard* (now *Roger*) is a Keeper or Conſerver of Reſt or Quietneſs. It is in *Latin* made *Rogerus*, in *Italian Ruggiero*, and in *French Rogier*. And it may be that the *French* Proverb or Phraſe of *Rogier*, *Bon temps*, *i. e.* *Roger* good time, may have ſome Alluſion to the Original Meanings of this Name; for that Good is the Time which is conſerv'd in Reſt and Quietneſs. (*Id.*)

(1) *Henry*]

Theſe Foundations of the Antient Worthies and Nobility, being laid by *William* the Conqueror, and oftentimes afterwards by his Succeſſors, according to the various Occaſions and Occurrences of Times gradually continued and augmented, began at length in the Reign of King *Henry* the IIId (1), and *Edward* the Iſt (2), to ſhine forth with Brightneſs and Luſtre, who having now Vanquiſh'd the *Welch-men* their Neighbours, and Contending with the *Scots* (3) Bordering upon them for Principality and Sovereignty; treating of all things concerning the Common-Wealth, with the three States of the Kingdom (which conſiſted of the Nobility, Clergy, and Commonalty) They themſelves in their Royal Majeſty Sitting in Parliaments, appointed to every Man a Pre-eminence according to the Place of his Dignity: From whom eſpecially all the Nobility of our Age may ſeem to derive the Divers and Appointed Degrees of Dignities and Honours.

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(1) *Henry* IIId King of *England*, commonly call'd *Henry* of *Winchester*, becauſe Born there, ſucceeded his Father King *John* (who was Poiſon'd by a *Monk* at *Swineſtead-Abbey*) being but 9 or 10 Years Old. He had many Quarrels with his Nobility and Parliaments, about his breach of *Magna Charta*, and impoſing unneceſſary illegal

Taxes; and at length they rais'd Armies againſt each other, and a great Battle was fought at *Lewis* in *Suſſex*, wherein the King's Army was defeated; and himſelf, his Brother *Richard*, King of the *Romans*, and his Son Prince *Edward* were made Priſoners. After which a Peace was Concluded, but ſoon Broken, and the Lords falling out among themſelves King *Henry* in a Battle at *Eveſham* in *Worceſterſhire*, obtain'd a great Victory over them, and by a Parliament call'd the Mad Parliament, all the former Laws for ſecuring the Liberty of the Subject were Damn'd, and King *Henry* reſtor'd to his former Authority, which he made uſe of with much Severity. After a life of 66 Years, and a very tedious and inglorious Reign of 56 (which was longer than any ever Reign'd before him) He dy'd in 1272, and was Buried at *Weſtminſter*. He had by *Eleanor* his Queen 6 Sons, *viz.* *Edward* his Succeſſor, *Edmund*, Surnam'd *Crouch-back*, *Richard*, who dy'd Young, *John*, *William* and *Henry*; beſides 3 Daughters, *Margaret*, Married to *Alexander* the IIId, King of *Scotland*, *Beatrix*, Married to *John* Duke of *Bretagne*, and *Cathrine*, who dy'd Young. The beſt Character to be found of this King is his Charitable Temper, whereof he gave a large Proof, in Founding and Endowing the Houſe of Converts, and an Hoſpital at *Oxford*; the firſt for ſuch as forſook the *Jewiſh* Religion, the other for the Relief of Poor diſeas'd People, Strangers and Pilgrims; nay, ſo remarkable was he for his Vertue, that *Leolin*, Prince of *Wales*, being much threatned by him, if he would not live in Peace, was heard to ſay, that he fear'd more the Alms-Deeds of the King, than all his Forces, and his Clergy to boot.

(1) *Henry* or *Henryc*] *Hen*, in the firſt Syllable hereof was antiently written *Han*, and ſo was antiently us'd for have, as may appear in divers of our Old *Engliſh* Writings, and to this Day in ſome parts of *England* they will ſay, *Han you any?* for *Have you any?* *Ryc*, ſignifieth not only Rich, but alſo Poſſeſſion or Juriſdiction; ſo as *Hanryc*, which now we write *Henry*, importeth as much as an Haver of Wealth, Poſſeſſion or Juriſdiction, and ſo in likelihood, a Name given unto ſuch as were Heirs to ſome good Eſtates or Conditions of Living. (*Verſtegan*).

(2) *Edward* the Iſt, King of *England*, Surnam'd *Long-Shanks*, from the Tallneſs of his Stature, and the Celerity of his Motions, ſucceeded his Father King *Henry* the IIId, in 1272, when the Crown fell to him, he was with his Vertuous Queen *Eleanor*, in the *Holy Land.* He prov'd a Warlike, Wiſe, and Succeſsful Prince; *France* he kept in Awe; *Wales* and *Scotland* he brought into Subjection, ſo that he receiv'd Homage of the King of *Scots*, and his Nobility, carrying away (as a Conqueror) the very Marble Chair, in which the Kings of *Scotland* us'd to be Crown'd. His Reign in *England* he made as eaſy as poſſible, by Good and Wholſome Laws, ſuch as may juſtly entitle him to one of the beſt Law-Givers. His corrupt Judges he diſplac'd, and Fin'd, and made all his Juſtices Swear, that they would take no Bribe (or Gift) of any Man. He Baniſh'd the *Jews* for their Exactions; in the Parliament at *Lincoln*, on the Petition of the Peers, he utterly renounc'd the Supream Authority of *Pope Boniface.* Six Years after (in 1306) he dy'd at a ſmall Town (call'd *Burgh* upon *Sands*) of a Dyſentery or Bloody-flux, in the 68th Year of his Age, and 34th and upwards of his moſt Vigorous and Triumphant Reign, being infinitely Lamented by his Subjects, and was Buried in the *Abbey* Church of *Weſtminſter*, at the Head of King *Henry* his Father, on the *North-ſide* of St. *Edward*'s *Shrine.* Upon his Death-Bed he Charg'd his Son Prince *Edward* (whom he left his Succeſſor, by the Title of King *Edward* the IId, for himſelf was the Iſt of that Name of the *Norman* Line, and the IV from King *Egbert*) not to recall *Peirce Gaveſton* from the Baniſhment he ſo juſtly merited, who by his vile Example and Inſtigation, led him into all manner of Lewdneſs and Debauchery. He had 2 Wives; *Eleanor*, Daughter of *Ferdinand*, the IIId. King of *Caſtile*, and *Margaret*, Daughter of *Philip* the *Hardy*, King of *France.* By the 1ſt he had 4 Sons and 9 Daughters, but 3 of thoſe Sons dy'd Young, and none Surviv'd him but *Edward*, his next Succeſſor. By his 2d Wife he had 2 Sons and one Daughter, who dy'd Young. The Eldeſt of theſe Sons was *Thomas of Brotherton*, (ſo call'd from a Village of that Name in *Yorkſhire*, wherein he was Born) Created Earl of *Norfolk*, and Earl *Marſhal* of *England*, who had a Daughter, *Mar-*

garet Dutcheſs of *Norfolk*; from whom is deſcended the preſent Noble Family of the *Howards*, by Inter-Marriage with the *Mowbrays*. The other Son *Edmund* of *Woodſtock* was Created Earl of *Kent*.

(3) *Scots*] *Scotland* has as great Pretenſions to Antiquity as any Nation in *Europe*. The *Scots*, according to their Hiſtorians, having poſſeſs'd that Kingdom for above 2000 Years, without ever being Conquer'd; that is, having their Crown on the Head, or their Laws from the Hands of a Foreigner, tho' they have at Times been Subdu'd by the *Romans* and *Engliſh*, and in a great meaſure over-run by the *Danes*. They plead alſo, as their particular Glory, a Line of 112 Kings, who can all of them deduce their Pedigree from *Fergus* the Iſt, who was ſent for by the People from *Ireland*, and came into *Scotland* about the time that *Alexander* the Great took *Babylon*, *viz.* 330 Years before Chriſt. As to the Original of the *Scots*; *Buchanan*'s Opinion is, that they came firſt from *Spain* into *Ireland*, to avoid the Oppreſſion of their Grandees, Inteſtine Seditions, and Foreign Invaſions; and finding that Country Fruitful and Healthful, were quickly follow'd by Multitudes of their Country-men; ſo that *Ireland* being too little, they remov'd gradually into the Weſtern Iſlands of *Scotland*, and then into the Country itſelf, which he affirms to be the conſtant Report, and Confirm'd by many Evidences. He will have them to be known then by the Name of *Scots*, and that while they were planting the Weſtern Iſlands, the *Picts*, being *Scythians* or *Germans* were driven upon that Coaſt, and ſought leave to Inhabit among them, which the *Scots* refus'd, as being ſtraitned in room for themſelves; but pitying them becauſe of ſome Affinity, which they perceiv'd in their Language and Cuſtoms, adviſ'd and aſſiſted them to ſettle in *Britain*, and gave them Wives, becauſe they had no Women amongſt them. *Cambden*, and ſome *Scotch* Hiſtorians, particularly the Prefacer to *Knox*'s Hiſtory, think the *Scots* derive both Name and Pedigree from the *Scythians*, and endeavour to prove it by a Likeneſs of Cuſtoms, which may be reconcil'd with *Buchanan*, if we imagin, that either the *Spaniards* were Originally *Scythians*, or that a Colony of that People, not being ſettled to their liking in *Spain*,

tranſported themſelves into *Ireland.* There are other *Engliſh* Hiſtorians, who think that the *Scots* are only a Remainder of the *Britons*, who fled *Northward* from the *Roman* Servitude; and this Opinion they Support from the Agreement that is ſtill to be found in Language betwixt the *Welch* and the *High-landers.* Nor is it unlikely that there might be a good meaſure of Agreement in Language betwixt the *Britons* and the *Scots*, ſeeing the latter came from *Spain*, and according to Venerable *Bede*, the *Britons* came hither from *Armorica*, or *Britany*, which lyes on the Bay of *Biſcay*, the *North* of *Spain*, being alſo planted with *Gaulick* Colonies. What the *Scots* ſay concerning their Antiquity hath been Oppos'd by ſome *Engliſh* Writers of no ſmall Reputation, as *Humphry Lloyd*, whom *Buchanan* Confutes at large; *Cambden*, whom *Gordon* in his *Theatrum Scotiæ* takes to Task, and two other Learned Authors, *viz.* Dr. *Stillingfleet*, Biſhop of *Worceſter*, and the Biſhop of St. *Aſaph*, who are Learnedly anſwer'd by Sir *George Mack-Kenzey*, late Advocate to King *Charles*, and King *James* VIIth of *Scotland.* The Famous Arch-biſhop *Uſher* did alſo write on that Head againſt the *Scots*; and his Arguments are alſo taken Notice of by Sir *George.*

In ſhort, the *Scots* complain that their Antiquity is only Attack'd becauſe of the Antient Enmity betwixt the 2 Nations, and that their Records being firſt deſtroy'd by *Edward* the Iſt of *England*, they are afterwards at a Diſadvantage, and therefore have recourſe to Foreign Authors to prove their Antiquity, as *Mercellinus*, *Tacitus*, *Seneca*, and *Mamertin* in his Panegyrick to *Maximinian*, where he ſays that the *Britons* had Wars with the *Scots* and *Picts*, before *Julius Cæſar* Entred the Iſland. Its true, that the Paſſages of thoſe Authors relating to this Subject are controverted; but the *Scots* have *Scaliger*, *Lipſius*, *Eraſmus*, and other Learned Foreign Criticks on their Side; as alſo the Famous Chronologer *Chr. Helvicus*, *Cluverius*, and other Foreign Authors. They further Obſerve, that the *Engliſh* Hiſtorians do not Agree among themſelves on that Head, as *Bede*, an Antient and Venerable Author, and the firſt Native, who wrote with any certainty of our Antiquity, is contradicted by *H. Lloyd*; and *Heylin*, who inveighs againſt the *Scots* Antiquity, contradicts himſelf in

Alledging the Spurcitious Laws of their King *Evenus*, to the reproach of their Nation, when he does not allow that they had any ſuch King; neither does Biſhop *Stillingfleet* agree with *Cambden* and St. *Aſaph*. Beſides the Teſtimony of thoſe Foreign Authors, the *Scots* inſiſt upon the Laws ſtill in Force, made by thoſe Kings, who are denied ever to have had a Being; and on the League made betwixt *Charlemagne*, the Great Emperor of the *Weſt*, in 791, and *Achaius*, King of *Scots*, which they reckon a Demonſtration of their having been a more conſiderable People at that time, than their Antagoniſts repreſent, *viz.* as Confin'd to *Argyle*, a Corner of the Kingdom, and that but in a vagrant Condition.--As for the Efforts of this Nature made by *Offlaharly*, an *Iriſh* Hiſtorian, Sir *George Mack-Kenzie* ridicules them, as being a Groundleſs piece of Vanity; for tho' the *Iriſh* and the *Scots* be Originally the ſame, ſo as *Ireland* at firſt was call'd *Scotia major*, and that Part of *Scotland*, which the *Scots* then poſſeſs'd *Scotia minor*, it will not follow, nor does it any where appear, that ever the Kings of *Scotland* were Tributaries to thoſe of *Ireland*, or that the great Things ſaid to be done in *Britain* by the *Scots*, were really Acted by the *Iriſh*; the principal Reaſon that they have for Alledging that they were *Iriſh*, is becauſe they were call'd *Tranſmarini*; but Venerable *Bede* explains that ſaying, *Tranſmarinas autem dicimus has Gentes, non quod eſſent extra Britanniam poſitæ, ſed quia a Parte Britonum erant remotæ duobus ſinibus Maris interjacentibus.*—Thoſe who are Curious may Conſult the above-cited Authors on this Subject.

That which will be a further Proof of the *Scots* Antiquity, is what they Alledge as to their early Converſion to Chriſtianity, *viz. Ann. Chr.* 203, in the 4th Year of *Donald* the Iſt, when he and his Nobles were Baptiz'd, and the Chriſtian Religion Publickly Eſtabliſh'd, which had been Profeſs'd by many private Perſons in the Kingdom long before. As to the firſt Preacher, Authors vary; but however that is, the Antients give ſufficient Teſtimony of their having been early Chriſtians. *Origen* reckons them *inter Primitias. Tertullian adverſus Judæos* ſays *Britannorum inacceſſa Romanis loca ſubdita*; many others alſo Teſtify the like.

(1) A King

A King (1) then who may with us alſo be call'd a Monarch, having in himſelf the ſupreme executive Power (the Legiſlative being in him and the People (2), *i. e.* Lords and Commons) is of ſo great Majeſty, as that beſide God, and the Law of the Land, he hath no Superior; who from Equity and Juſtice ſeeking his chief Praiſe (when any Matter of greater Weight or Importance is to be Decreed and ſet down concerning the Welfare and Honour of the Common-Wealth) doth either make New Laws, before Conceiv'd by the proper States of the Kingdom,or elſe doth abrogate the Old; and free from all Homage for his Empire, is with the Sacred Solemnities of his Country, with a Royal Crown (3) by his Subjects Crown'd; whom afterwards we with ſo great Reverence Obſerve and Honour, both in time of Peace and War, as that (for-aſ-much as he himſelf is the Fountain of all Nobility) he may for his own Pleaſure and good Liking, Bleſs and Grace whom he will with Offices, Dignities, Honour, Nobility and Riches.

But for a more full and plain Definition of an *Engliſh* King, take the Opinions of two Famous Lawyers, who lived, one in the time of *Henry* the III, the other of *Edward* I; their

Words are theſe; *viz.* God is Superior to the King, and the Law, by which he is made King; and his Court, *viz.* the Earls and Barons: the Earls (according to their Names *Comites*) are the King's Aſſociates, and he that hath an Aſſociate, hath a Maſter; and therefore if the King be unbridled (or which is all one, without Law) they ought to bridle him, unleſs they will be unbridled as the King, and then the Commons may Cry, *Lo Jeſus*, &c. This was the Judgment of the Famous Lawyer *Bracton* (4) in *Henry* the IIId's time, of the State of an *Engliſh* King. Now for the Concurrent Teſtimony of the Lawyer alſo in *Edward* the Iſt's time, as an Addition hereunto: Altho' (ſaith he) the King ought to have no Equal in the Land; yet, becauſe the King, nor his Commiſſioners (in Caſe wherein the King intrencheth upon the Rights of any of his Subjects) can be both Judge and Party, the King by right ought to have Companions to hear and determine in Parliaments, all Writs and Plaints, of Wrong done by the King, the Queen (6), or their Children; and of thoſe Wrongs eſpecially, whereof Common Right cannot be had.

Nor is this the Opinion only of Lawyers, but it is the Law itſelf, to which the Royal

Aſſent was added, and the ſame Seal'd with an Oath in the Solemn ſtipulation (7) made by the Kings at their Coronation, with the People then preſent in the Name of the Whole Body. If then the King be under the Law in Caſe of Direction, as by Stipulation he is bound; if he be likewiſe under the Law in Caſe of Tranſgreſſion, to be judg'd by his *Comites* or Peers; certainly then an *Engliſh* King is but *Primus inter Omnes*, and not *Supra totum* (8). But I ſhall ſtop here, leſt I be led by ſo Copious a Theme beyond the Limits I at firſt Propos'd.

Amongſt

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(1) A King (as to the Etymology of the Word) our Anceſtors the *Saxons* term'd *Coning* or *Cyning*, a Name ſignifying Power and Skill, which by way of Contraction we now call King. This Name the *Saxons*, with a ſmall Variation, had from the *Britons*, who call'd them *Koningh* or *Koninch*. In *French*, he is call'd *Roy*, in *Italian*, *Re*; in *Spaniſh*, *Rey*; all deriv'd from the *Latin*, *Rex*. (*Co. Inſt.* 1. *fol.* 65.)

Now I ſhall give you the Signification of the Name of King out of *Verſtegan*'s *Reſtitution of decay'd Intelligence*; his Words are theſe, *viz.* This chief Name of moſt High and Sovereign Dignity among our Anceſtors, was generally in the Antient *Teutonick* of two Syllables, and by ſome Change of Vowels (as both in this, and other our Antient Appellations, is often found) ſomewhat varying in Orthography, as Antiently Written both *Cuning* and *Cyning*; the firſt Letter *C*, being indifferently ſounded, and uſed inſtead of *K*. We *Engliſhmen* have Abridg'd it into one Syllable, and ſo made it *King*; and the *Danes* and *Swedes* have made it *Kong*. *Cun*, tho' otherwiſe written *Cyn* being both one, doth ſignify Stout or Valiant; *ing*, as alſo ſometimes *ling* is a Particle often added to expreſs the Endowments of a Quality; as for Example, *Ethel* is in our Antient Language Noble, and an *Etheling* is one that is Endowed with Nobility; a *Younglin*, one that is in his Youth; a *Fremdling*, one that is Frem'd-born, a Stranger, &c. *Cuning* is as much in Signification as one eſpecially Valiant; and this being the Title of the Chief of all, expreſſeth him the moſt apparent in Courage or Valour. And certain it is, that the Kings of moſt Nations were in the beginning Elected, and Choſen by the People to Reign over them, in regard of the greatneſs of their Courage, Valour and Strength, as being therefore beſt able to Defend and Govern them: And as *Olaus Magnus* (*lib.* 8.) writeth; it was an Antient Cuſtom in the *Septentrional Regions*, that ſuch young Noblemen or Gentlemen, as gave greateſt Proof of their ſingular Valour, were by thoſe Country-Kings Adopted to be their Sons, yea, and to ſucceed in the Crown after them, if their own Sons were not thought to have in them ſuch great Valour, as in thoſe times was expected: And the Reaſon, why they Adopted ſuch Sons, as aforeſaid, and thereby made them capable of Succeeding them in their Kingdoms, was, for that (as they ſaid) they might in their own Sons be deceiv'd, when they ſaw not how they would prove, but in their Adopted Sons they could not be deceiv'd, becauſe they had ſeen of them ſufficient Experience and Trial already.

Having given the Etymology of the Word King, it will not be impertinent or unneceſſary to ſet down the ſeveral compellations of divers of our *Engliſh* Kings, and the Stile of every one of them from the Conqueſt to Queen *Elizabeth* of Famous Memory (whoſe Stile, with that of the reſt of the Succeeding Kings and Queens down to his preſent moſt Sacred Majeſty, our only Rightful and Lawful Sovereign King *George* being ſo well known, is Omitted) tranſcrib'd *Verbatim* out of *Coke*'s firſt Book of *the Inſtitutes of the Law of* England; and I ſhall then make Uſe of *Selden* to Explain the following curious Particulars; *viz.* Majeſty in the Attributes of Supream Princes: The Uſe of it deduc'd into the *Roman* Empire: the Uſe of the Appellation of Perſons by Abſtracts; Majeſty, how expreſs'd and us'd in the *Eaſtern* Empire: and Sacred Majeſty; Majeſty and Grace attributed to the Kings of *England*;

land ; *Dei Gratia*, or by the Grace of God, in the Style of Supream Princes; and how communicated to ſuch by Uſe as are of a ſubordinate Dignity. The Kings of *England*, antiently call'd only Lords of *Ireland* ; the Deduction and Change of that Title ; Defender of the Faith, when and how given to the Kings of *England* ; the Title of Supream Head of the Church, which began in *Henry* the 8th, and by ſo doing I hope to make good the Title Page of this little Book, entitul'd, *An Hiſtorical and Critical Eſſay*, &c. Firſt of the ſeveral Compellations of divers of our *Engliſh* Kings.

To Henry *the 4th was attributed Grace.*
To Henry *the 6th Excellent Grace.*
To Henry *the 7th, ſometimes Grace, and ſometimes Highneſs.*
To Henry *the 8th, Majeſty ; ſince which Time, that Style hath been improv'd to Sacred Majeſty according to the Cuſtom of the* Eaſtern *Emperors, who us'd* Ἁγία Βασιλεῖα ; *whereas before Sovereign Lord, Leige Lord, Highneſs, and Kingly Highneſs were the ſeveral Compellations of our* Engliſh *Kings. The Title of Sir is alſo given to our King according to that of Sire, given to the* French *King, which is probably deriv'd from the* Greek, Κύριος *Dominus : As for the Style of every one of our Kings from the Conqueſt to Queen* Elizabeth ; *take it in the Manner following, as I have it Verbatim out of* Coke, *viz.*

William *the Conqueror ſtyl'd himſelf* Willielmus Rex, *and ſometimes* Willielmus Rex Anglorum.
And the like did William Rufus, *and ſometimes* Willielmus, Dei Gratia Rex Anglorum.
Henry I. Henricus Rex Anglorum, *and ſometimes* Dei Gratia Rex Anglorum.
Maud, *the ſole Daughter and Heir of* Henry I. *wrote* Mathilda, Imperatrix, Henrici Regis Filia & Anglorum Domina. *Divers of whoſe Creations and Grants I have ſeen.*
K. Stephen *with the Style that he did.*
Henry 2*d* Fitz Emprice, *omitted* Dei Gratia *and us'd this Style* ; Henricus Rex Angliæ ; Dux Normaniæ & Aqui-

Aquitaniæ & Comes Andegaviæ; *he having the Dutchy of* Aquitain, *and Earldom of* Poictiers, *in the Right of* Eleanor *his Wife, Heir to both; and the Earldom of* Anjou, Tourney *and* Main, *as Son and Heir to* Geoffery Plantagenet, *by the ſaid* Maud *his Wife, Daughter and ſole Heir of King* Henry *the 1ſt. She was firſt married to* Henry *the Emperor, and after his Death to the ſaid* Geoffery Plantagenet; *which Dutchy of* Aquitain *doth include* Gaſcoine *and* Guyen.

Richard *the 1ſt us'd the Style that* Henry *the 1ſt his Father did, yet was he King of* Cyprus, *and after of* Jeruſalem, *but never us'd any of them.*

King John *us'd that Style, but with this Addition,* Dominus Hiberniæ, *and yet all that he had in* Ireland *was conquer'd by his Father King* Henry *the 2d, which Title of* Dominus Hiberniæ *he aſſum'd as Annex'd to the Crown, albeit his Father, in the 13th Year of his Reign, had created him King of* Ireland *in his Lifetime.*

King Henry *3d ſtyl'd himſelf as his Father King* John *did until the 44th Year of his Reign; and then he left off his Style* Dux Normaniæ & Comes Andegaviæ, *and wrote only* Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ.

King Edward *the 1ſt ſtyl'd himſelf in like manner as King* Henry *the 3d his Father did. And ſo did King* Edward *the 2d during all his Reign.*

And King Edward *the 3d us'd the ſelf ſame Style until the 13th Year of his Reign, and then he ſtyl'd himſelf in this Form, viz.* Edvardus Dei Gratia Rex Angliæ & Franciæ, Dominus Hiberniæ, *leaving out of his Style* Dux Aquitaniæ. *He was King of* France *as Son and Heir of* Iſabella *Wife of King* Edward *the 2d, Daughter and Heir of* Philip le Beau *King of* France. *He firſt quarter'd the* French *Arms with the* Engliſh *in his Great Seal.* A. D. 1338, & Regni ſui 14.

King Richard the 2d, *and* Henry *the 4th us'd the ſame Style King* Edward *the 3d did.*

And King Henry *the 5th until the 8th Year of his Reign continu'd the ſame Style, and then wrote himſelf* Rex Angliæ Hæres & Regens Franciæ, & Dominus Hiberniæ, *and ſo continu'd during his Life.*

King Henry *the 6th wrote* Henricus, Dei Gratia Rex Angliæ & Franciæ, & Dominus Hiberniæ. *This King being crown'd in* Paris, *King of France, us'd the ſaid Style 39 Years, till he was diſpoſſeſs'd of the Crown by King* Edward *the 4th, who after he had reign'd alſo about* 10 *Years, King* Henry *the 6th was reſtor'd to the Crown again, and then wrote* Henricus, Dei Gratia Rex Angliæ & Franciæ & Dominus Hiberniæ, ab Inchoatione Regni ſui 49; & Recaptionis Regiæ Poteſtatis primo.

King Edward *the 4th,* Richard *the 3d, and* Henry *the 7th, ſtyl'd themſelves* Rex Angliæ & Franciæ & Dominus Hiberniæ.

King Henry *the 8th us'd the ſame Style till the* 10*th Year of his Reign, and then he added this Word (*Octavus*) as* Henricus Octavus, Dei Gratia, *&c. In the 13th Year of his Reign, he added to his Style* Fidei Defenſor. *In the 22d Year of his Reign, in the End of his Style he added* Supremum Caput Eccleſiæ Anglicanæ. *And in the 23d of his Reign he ſtyl'd himſelf thus,* Henricus Octavus, Dei Gratia, Angliæ Franciæ, & Hiberniæ Rex, Fidei Defenſor, *&c.* & in Terra Eccleſiæ Anglicanæ, & Hiberniæ Supremum Caput.

King Edward *the 6th us'd the ſame Style.*

And ſo did Queen Mary *in the Beginning of her Reign; and by that Name ſummon'd her firſt Parliament; but ſoon after omitted* Supremum Caput. *And after her Marriage with King* Philip, *the Style, notwithſtanding that Omiſſion, was the longeſt that ever was, viz.* Philip *and* Mary, *by the Grace of God, King and Queen of* England *and* France, Naples, Jeruſalem, *and* Ireland, *Defenders of the Faith, Princes of* Spain *and* Sicily, *Arch-Dukes of* Auſtria, *Dukes of* Milan, Burgundy *and* Brabant; *Counts of* Habsburgh, Flanders, *and* Tyrol. *And this Style continu'd till the 4th and 5th Years of King* Philip *and Queen* Mary, *and then* Naples *was put out, and in place thereof both the* Sicilies *put in, and ſo it continu'd all the Life of Queen* Mary.

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I need not mention the Style of Queen *Elizabeth*, King *James*, nor of our Sovereign Lord King *Charles*, becauſe they are ſo well known. (Co. *Inſt.* 1. *Fo.* 7.)

I omit alſo their Style, and that of the ſucceeding Kings and Queens after them, for the ſame Reaſon, which I advertis'd the Reader of before.

Now for the Great *Selden*'s Explanation of the curious Particulars above mention'd; and firſt of Majeſty in the Attributes of Supream Princes.

Supream Princes (ſaith *Selden*) are alſo in the 2d and 3d Perſon commonly ſtyl'd by that Abſtract, which deſigns their Greatneſs; The Name of Majeſty; as your Majeſty, his Majeſty, and his Catholique Majeſty for the King of *Spain*; Imperial Majeſty, or *Keyſerlick Majeſtaet* for the Emperor. The 2d Article; This came into the Kingdoms of *Chriſtendom* from the Uſe of it in the *Roman* Empire, where it was, as well in the 1ſt, as 2d and 3d Perſons given to the Emperor. The Word of it ſelf denotes all Kind of ſpecial Dignity (as if we ſhould ſay in *Engliſh* a Greaterneſs) as well in Private Perſons as Supream Princes and Deities, which is Elegantly deliver'd by *Ovid*, (*Faſtorum*, *Lib.* 5.) where he makes *Polyhymnia* relate that in the elder Times, *Par erat Omnis Honor*; there was no ſuch Diſtinction of Place among the Gods, but that every one ſat any where at Pleaſure.

Sæpe aliquis ſolio, quod tu, Saturne, tenebas,
Auſus de Media Plebe ſedere Deus.

And that this continu'd until Honour joyn'd with Reverence made an Alteration - - - - -

Donec Honor placidoq; decens Reverentia vultu
Corpora legitimis impoſuere toris.

Of theſe Two (ſays he) Majeſty was born; and ſhe being ſeated in the higheſt Throne of the Gods, Fear and Reſpect were plac'd among them; nor was there a Deity, which did not addreſs and compoſe himſelf to her; and thence came the Diſtinction and Admiration of ſeveral Dignities among the Gods. Thus (ſaith he) Majeſty continu'd among the Gods until the Rebellion of the Gyants againſt *Jupiter*, whoſe Kingdom ſhe defends by the Greatneſs only of her Preſence, and unarm'd; that ſhe came down alſo among Men; and that ſince her coming down, both Supream and Subordinate Princes, and ſome alſo of all Kinds, have had their Special Dignities from her Preſence with them; whence it is that *Majeſtas Pueri*, *Majeſtas Matronæ*, *Majeſtas Virginis* and ſuch like, have denoted the Singular Dignity, Worth or Quality of a Child, a Matron, a Virgin. Thus *Ovid.* So that Majeſty generally denoted the ſingular Quality or Dignity of ſuch as were eſpecially eminent among thoſe, who otherwiſe had their Degrees of great Eſtimation; *as inter magna Ingenia, Majoribus vere ineſt hæc Majeſtas*; *& inter Magnanimos, eorum qui Majori animo res gerunt, Majeſtas lucet*; and ſo in other Particulars; In this Senſe *Valerius Maximus* uſes it, where he ſays, That when *Cato* went out of the Theatre, becauſe he would not ſee the Mimicks preſent themſelves naked in it; the Spectators with great Acclamations profeſs'd, *Plus ſe Majeſtatis uni tribuere quam univerſis ſibi vindicare.* And Examples enough he hath in his Chapter *De Majeſtate*, for the Explication of the Word in this Senſe. But as it hath happen'd to many other Words (which have been reſtrain'd to particular Uſe from a General) ſo to this of Majeſty: It became to be Applicable chiefly, and in moſt Uſe that occurs to the State of *Rome*, and denoted the Supream Dignity of it. *Majeſtas Populi Romani* is frequent in *Cicero*, *Quintilian* and other good Authors to that Purpoſe, and ſignifies the Empire and Power of the People of *Rome*, as *Polybius (in legatione in fœd. Ætolorum) tum Majeſtas Populi Romani.* Afterwards this Majeſty of the People, or of the whole Empire and State, was caſt upon the Emperors, and then it was *Majeſtas Imperatorum.* Neither was it long after the Beginning of the Empire, but that in Inſcriptions to the Emperors, the Concluſion grew to be frequent, *Numini Majeſtatiq; ejus Devotiſſimus* or *Dicatiſſimus*, often expreſs'd only by Singles thus, N. M. Q. E. D. Hence alſo *Auguſtalis Majeſtas* is us'd by *Juſtinian* for the Perſon of the Emperor, and *Imperialis Majeſtas*. And in the firſt Perſon *Honorius*, and *Theodoſius*, and other uſe *Noſtra Majeſtas*, &c.

But concerning the Uſe of this in the Empire, ſome ſcruple hath been made upon a Paſſage in *Trebellius Pollio*'s Lives of the *Galliens*. Speaking there of *Valerian*; *Quis alius* (ſaith he) *potuit eſſe Valerianus niſi Gallieni Frater? Conſtat de Genere, non ſatis tamen conſtat de Dignitate, vel, ut Cæperunt Alij loqui, de Majeſtate*; meaning that it was agreed of what Stock or Alliance *Valerian* was, but it was a Doubt whether he had been Emperor, or *Cæſar* (or Prince) or deſign'd Succeſſor only, which he expreſſes by ſaying, *Non conſtat de Dignitate*, or as others then began to ſpeak, *De Majeſtate*, as if the Name of Majeſty had then firſt begun to be us'd in Deſignation both to the Emperors, and of the reſt of the greater Dignities in the Empire; but it is clear, that it was thus us'd in Devotions to the Emperor, long before that Time, as appears by the Inſcriptions before remembred. Neither is there Teſtimony enough to prove that it became now to be apply'd to the reſt of the greater Dignities as ſome Learned Men would have it; but rather it is to be underſtood, that in this Age of *Trebellius*, the Name of Majeſty began to be applied, as well to the Dignity of *Cæſar*, as of the Emperor, whereas before it was in this Kind of Senſe, proper to the Emperor only.

From the Uſe of Majeſty thus applied came the Name of *Crimen Majeſtatis*, to denote that Offence which was committed againſt either the Dignity of the State of *Rome*, or againſt the Emperor, and alſo of both together. This Expreſſion of the Emperors by the Abſtract *Majeſtas* (wherewith *Numen* alſo was commonly joyn'd in Inſcriptions) became, it ſeems, the Example, by which the enſuing Times brought in the Frequency of thoſe other Abſtracts, which deſign'd the Emperors as well in the 1ſt, as 2d and 3d Perſon; as *Perennitas, Eternitas, Tranquillitas noſtra, Serenitas*, &c. For before the Empire was reduc'd under one, it was not come into Faſhion to uſe Appellations of Honour or otherwiſe to any Perſon by the Abſtract, but in the *Concrete* only. But after that *Numen & Majeſtas* came thus into Cuſtom, it became very frequent alſo to expreſs other Perſons of Dignity by ſuch Kind of Abſtracts; (this is the 3d Article) as *Præfecti Prætorio*, Pro-Conſuls, and ſuch more by *ſublimitas tua*; *excellentia tua*; *Celſitudo tua*, &c. And in the ſame way alſo came *Beatitudo tua* ; *Sanctitas tua egregia* ; *Dignatio tua* ; *Præſtantia tua*, &c. in Letters of Special Quality either in Church or Common-wealth.

The 4th Article relates to the Attribute of Majeſty in the *Greek* Empire. This Attribute of Majeſty in the *Greek* Empire was denoted by their Word Βασιλεία ; and the Emperor had it with the Addition of Ἁγία ; as Ἁγία Βασιλεῖα, or Sacred Majeſty ; but alſo it was communicated to thoſe three *Conſtantinopolitan* Dignities, the *Deſpots*, the *Sebaſtocrators*, and the *Cæſars* ; and their Majeſty, in ſpeaking to them, was diſtinguiſh'd from the Emperors by the Omiſſion of Sacred ; but the Emperor had that Addition only in the 2d and 3d Perſon ; for in the firſt he us'd only ἡ Βασιλεῖα μȣ̃, *i. e.* my Majeſty. And that of Sacred Majeſty is frequent in uſe to this Day, both in the Empire and other Kingdoms of *Europe*. And ſince the End of the *Greek* Empire's ſwallow'd up into the *Turkiſh*, the *Greeks* in their Letters to the Kings of *Europe* uſe this Βασιλεῖα for *Majeſtas*, as I have ſeen in Letters from *Germanus*, Patriarch of *Jeruſalem*, to our *Henry* the 8th for Succour to the diſtreſs'd Chriſtians of thoſe Parts ; nor indeed have the *Greeks* any fit Word to expreſs Majeſty (but Βασιλεῖα) as the *Latins* do. For the *Latins* (whence other Tongues have it) make it from the comparative *Major*, as if in *Engliſh* from Greater, we ſhould ſay Greaterneſs. But the neareſt to it in *Greek* is Μεγαλειότης, which is not properly *Majeſtas*, but *Magnitudo* only ; howſoever in ſome ſmall Gloſſaries it be turn'd as well by the one as the other. This of Majeſty is every where known at this Day as an Abſtract, attributed to the Kings and Emperors, and their Empreſſes, and Queens ; and it is diſtinguiſh'd by *Cæſarea*, or *Keyſerlich* for the Emperor, as by *Catholica* for the King of *Spain* ; however ſome have ignorantly enough given that Title to the Grand Seignior in Letters to him, as I have ſeen in ſome few Examples ; but the Duke of *Venice*, who acknowledges no Superior, uſes it not, but only Highneſs, or *Altezza*, or *Celſitudo* ; when it began (to make good the 5th Article) to be of Uſe in every particular Kingdom, I know not ; neither can I agree with ſome Learned Men, who deliver, that it came into Uſe, in *England*, in the Time of *Henry* the 8th, unleſs they underſtand, that in his Time, it was of more ordinary Uſe in deſigning the King under theſe Words of his Majeſty, or the King's Majeſty; for indeed in the moſt uſual Expreſſions before (as appears thro' the Parliament Rolls) our Lord, the King, in the 3d Perſon denoted our Sovereigns; but it is clear, that the Kings of the elder Times here were often ſaluted by *Majeſtas tua* in Letters to them, as I have ſeen, not only in Letters to *Henry* the 4th, *Edward* the 1ſt, and others, but alſo in the Letters of *John* of *Saliſbury* to *Henry* the 2d, and ſuch like, that infallibly juſtifie it; and in a Letter of Pope *John* the 22d, to *Edward* the 2d, or 3d, about *Ireland*, *Magnitudo tua* is inſtead of it; neither are we without Examples of theſe Kind of Abſtracts us'd in the 1ſt Perſon by our Kings, as they were by the Emperors.

In the Charter of Creation of *Humphry* Earl of *Buckingham* into the Title of Duke of *Buckingham*; *Conſideravit noſtra Celſitudo Regalis* (ſaith *Henry* the 6th. *Cart.* 23. *Membr.* 32. *Num.* 33.) *inter Cæteros Nobiles & Principes noſtra ſerenitati ſubjectos*, &c. And King *Edward* the 4th, in his Creation of *Thomas Grey* Earl of *Huntingdon*, (afterwards Marqueſs of *Dorſet*) begins with *Sciatis quod cum noſtra Majeſtas Regia ab Immortali Deo poſt Maximas de inimicis noſtris partas victorias ad Regni culmen & ſolium Hereditarium ſublimata exiſtat*, &c. But for that of Sacred Majeſty, it is true, I think, that in our Memory, or the Memory of our Fathers, the Uſe of it firſt began in *England*. Neither is it at all to be regarded, that ſome would make it an Uſurpation of the Attribute of Majeſty, while Emperors or Kings have it; as if it were proper only to God. They might as well deny Wiſdom, Power, Clemency, or any other Quality to be attributed to Men becauſe thoſe alſo, as all elſe that is Great and Good, are primarily in him. The like might be ſaid perhaps in full Anſwer to them who Quarrel at *noſtra Divinitas*; *noſtrum Numen*; *cæleſte Oraculum*; *Adorandum Reſcriptum*; *ſacrum Oraculum*, and ſuch more attributed to the old Emperors, and to *Theodoſius*, *Valentinian*, and others who were Chriſtians, both in the 1ſt and 3d Perſon, as the Matter requir'd. Frequent Examples occur of them in both the *Codes*: Why *Divinitas*, and the like may not be as well applied to them as *Divi*, or *Dij*, I underſtand not.

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The moſt ordinary Expreſſions of the *Lacedæmonians*, when they admir'd a Man, was, that he is a Divine Man; and it was Proverbial (as *Ariſtotle* ſhews *Ethic.* 7. *C.* 1.) among them in *Greece*, that Men became to be reputed, or call'd Gods from the Excellency of their Heroick Vertues; and theſe Vertues, and themſelves alſo were (as he ſays) call'd Divine by way of ſome Similitude, or by way of Participation with the Deity, being all Goodneſs and Excellency; as the contrary Quality, *i. e.* Inhumanity or Barbarouſneſs is nam'd Θηειότης, or *Feritas*, becauſe it is moſt like to what is Beſtial; ſo that, as he who affirms that a Barbarous or Inhumane Fellow, Θηειώδης or Beſtial, makes but an high Expreſſion of his Ill, not at all ſuppoſing him to be really a Beaſt; ſo on the other ſide *Divinus*, or *Divinitas*, or the like, expreſs only an Admiration of Excellency, which hath its higheſt and firſt Example in the Deity, and is by Similitude, or Participation in the Perſon to whom it is attributed.

Dei Gratia, or by the Grace of God, in the Styles of Supreme Princes, and how communicated by Uſe, to ſuch as are of a ſubordinate Dignity makes the 6th Article -- In the Expreſſions alſo of Great Princes, they are ſtyl'd to be ſo, *Dei Gratia*, or by the Grace of God, which is familiarly ſeen in the Titles of the Kings of *France*, *England*, *Spain*, *Denmark*, and others of *Europe*. And this is conceiv'd by ſome, as if it were proper only to Supream Princes; ſo ſays *Chaſſanæus*, and therefore he thinks it not competent for the Duke of *Burgundy*, as Duke; ſo *Rebuffus*, a great Lawyer of *France*: And *Lewis* the 11th of *France* prohibited *Francis*, then Duke of *Bretagne*, the Uſe of it, as of that, which was unfit for any other, than ſuch a Prince, as acknowledges no Superior; But indeed all Things of this Nature having their Being, Continuance, and Lawfulneſs out of Uſe only, and ſuch conſent of Perſons and Times as arbitrarily eſtabliſhes, enlarges, or reſtrains them, the Truth is, that it is not of itsſelf only proper (nor was it ever ſo accounted) to Supream Princes, but from them alſo communicated to their Subjects of greater Note, and to ſuch alſo frequently, as are not at all Princes; yet in that communicating of it alſo, this is ſtill to be obſerv'd, that where it hath not been ſettled in a Subject by ſome lawful Title, then the Uſe of it by him may juſtly be conceiv'd for an Uſurpation upon the Supream Dignity, on which he depends; for it is taken (it ſeems) to import in its ſelf as much as an Aſſertion of being Independent upon any, ſave God himſelf.

But, as ſome Prerogatives that are of themſelves meerly Imperial or Royal, are yet by Grant or Preſcription transferr'd unto Inferiors, ſo the uſe of theſe Words, by either of thoſe ways may be acquir'd to the Style of a Subject; all which in Subſtance is judiciouſly deliver'd by that great Lawyer of *Spain*, *Marcus Salon de Pace*, (*Proœm. Relect. in Leg. Taurin.* 26.) whom the Reader is deſir'd to conſult; and by this Reaſon of his, which relates to *Spain*, it may be conceiv'd with us in *England* and in *France*, that the Application of *Dei Gratia* to the Style of any of the Lay-Peers, or Lords, ſhould be taken as unjuſt, being not antiently us'd and continu'd among them, but reſtrain'd to the King only: But there's no neceſſity to be of his Opinion in this, that in that Style of *Joan* Queen of *Caſtile* (for of her he ſpeaks) the *Por la gracia de Dios*, ſhould have as much Relation to her Title of Dutcheſs of *Burgundy*, as it hath to her Title of Queen of *Caſtile*, *Leon*, *Aragon*, &c. There is no neceſſity of it, in regard only of the Expreſſion, no more than the old Styles of the Kings of *England* (when they wrote themſelves according to their Poſſeſſions, By the Grace of God Kings of *England*, *France*, Lords of *Ireland*, and Dukes of *Normandy* and *Aquitain*, and Earls of *Anjou*) neceſſarily import that they were *Dei Gratia Duces Aquitaniæ*, &c. The *French* King might as well have quarrell'd at that, as at the Style of the Duke of *Bretagne*; all theſe Dutchies and that Earldom being antiently and equally Fiefs of that Kingdom; and the Words might very well be ſo conceiv'd, that *Dei Gratia* ſhould relate only to the Supream Titles, and not to thoſe ſubordinate; no otherwiſe than in the Style of *William* Biſhop of *Ely*, under *Richard* the 1ſt, the *Dei Gratia* had (as I conceive) Relation to his being Biſhop only, not to his Office of Chancellor, or Chief Juſtice of *England*, or to his being Legate to the Pope. For thoſe plainly he could not pretend to have otherwiſe than *Regis aut Pontificis Gratia*. ---- Thus he us'd to expreſs himſelf, *Willielmus Dei Gratia Elienſis Epiſcopus*, *Domini Regis Cancellarius*, *Totius Angliæ*

Juſticiarius, & *Apoſtolicæ ſedis Legatus.* (*Matt. Paris pag.* 216.) The ſame may be ſaid of *John* of *Gaunt*, who wrote himſelf *Dei Gratia Rex Caſtellæ* & *Legionis*, *Dux Aquitaniæ*, *Lancaſtriæ*, &c. Plainly his *Dei Gratia* had reference to his ſupream Title of King only, not to his Dutchies or Earldoms. But for another Cauſe it might perhaps have reference to the Dutchy of *Burgundy*, in that of *Joan*, Queen of *Caſtile*, *i. e.* in regard of the Dutchy, as it is conceiv'd to be a *Fief* of the Empire of *Germany*. For the Cuſtom there, both of antient and the preſent Time, is, that their ſubordinate Princes write *Dei Gratia*, as well as the Emperor.For in the Styles of the Arch-dukes of *Auſtria*, the Dukes of *Saxony*, of *Baviere*, the Counts Palatins of the *Rhine*, the Marqueſſes of *Brandeburgh*, and ſuch more, it is obvious; and the Landgrave of *Heſſe* hath it familiarly in his Aſtronomical Epiſtles to that great Reſtorer of Aſtronomy,the Noble*Dane Ticho Brache*. Nor is that True which ſome affirm concerning the Earl of *Flanders*, that the uſe of theſe Words is a ſingular Prerogative among Counts, to that Earl only, and that none beſides him might lawfully uſe it. And I remember in the *Turkiſh* Stories ſome Baſhaws uſe this *Dei Gratia* in their own Stiles. And the Dukes of *Venice*, who have their Power from the State there, yet ſtyle themſelves always *Dei Gratia Dux Venetiarum*, as well in their Seals, as Inſcriptions.

But alſo both in the preſent and elder Times, it is frequently in the Stiles of Spiritual Lords. The Titles of Epiſtles in *John* of *Salisbury*; of *Fulbert* Biſhop of *Chartres*; *Gilbert* of *Vendoſme*; *Anſelm* and divers ſuch more in the elder Ages, have ſtore of Examples for that Matter. Neither is any thing more common in the Inſtruments of Biſhops and Abbots in the Leiger Books, or Chartularies of Monaſteries, yet remaining in divers Hands, and in the Old Regiſters of the Arch-biſhop of *Canterbury*, the Biſhop of *Wincheſter*, and in ſuch more.

And for the latter Time to this Day by the Stile of the *Chancery*, in the Summons of our Parliaments, and Writs to Aſſemble or Prorogue the Convocations, the King gives to the Arch-biſhops the Attribute of *Dei Gratia* in this Form. *Jacobus Dei Gratia*, &c. *Reverendiſſimo in Chriſto Patri Prædilectoque* & *Fideli Conſiliario Noſtro Georgio*, *eadem Gratia Archiepiſcopo Cantuarienſi*, &c. but in Warrants and Commiſſions to them, that of *Eadem Gratia* is moſt commonly omitted: and in like ſort, the other parts of the Title being Chang'd as Uſe directs, are the Writs to the Biſhops; and in Writs of ſome other Nature it is in the Regiſter and *Fitzherbert* in like Form, but not always given to Biſhops. But altho' it be ſo given them in the King's Writs, yet at this Day they uſe it not in the firſt Perſon, but *Dei Clementia*, or *Providentia divina*, altho' in the antienter Times *Dei Gratia* be familiarly Inſerted in their Titles.

The antienteſt Uſe of it in the Empire, as I remember, is about *Charles* the Great; for in ſome of his Patents it is Inſerted. The *Roman* and *Greek* Emperors before him (as I think) us'd it not; neither was it conſtantly Obſerv'd in the Stiles of his Succeſſors till the latter Ages. *Otho* the IIId. titled himſelf ſometimes nothing but *Servus Apoſtolorum*, as in one of his Charters to the Church of *Hamburgh*; and in other Charters, *Servus Apoſtolorum, & Secundum Voluntatem Dei, Salvatoris, Romanorum Imperator Auguſtus*, as in that of his to Pope *Sylveſter* the IId. Other different Titles of the *German* Emperors ſince him until the latter Ages, are likewiſe Obvious without this of *Dei Gratia*. But by the *Greek* Emperors I have not obſerv'd it at all us'd. Inſtead of it they had their Θεοστεφὴς or a *Deo Coronatus*, which implied *Dei Gratia*, but was but now and then us'd by them; the more ordinary and latter Expreſſion of them being by ἐν χριστῷ τῷ Θεῷ πιστὸς Βασιλεὺς &c. *i. e.* Truſting in Chriſt, that is God; or by ἐν Θεῷ Βασιλεὺς τῶν ῥωμαίων, as I have ſeen in ſome Coins of *Leo* the VIth, and others of the Eaſtern Empire: But as in the Weſtern there was ſome Uſe of it after the Tranſlation from the *Greeks*, but not ſuch as was fix'd as an eſſential Part of the Expreſſion until a later Age (which may be about 400 Years ſince) ſo alſo in other Kingdoms of Chriſtendom ſome Uſe of it was very Antient, and perhaps near as old as of Chriſtianity in them; but it was not any where fixt by a certain and known Stile of the Chancery, or Obſervation of Secretaries until about 1200 Years after our Saviour's Birth. And with us in *England*, *Ine*, a *Weſt-Saxon* King, who lived many Years before *Charles* the Great, uſes it, as may be ſeen in the Preamble to his Laws; and ſo do ſome of his Succeſſors. But until about our *Henry* the IIId, it was not of ſo conſtant Uſe, as that the Title of the King neceſſarily requir'd it. And indeed at this Day, inſtead of it, ſometimes *Divina favente Clementia*, or the like, is Inſerted in the King's Stiles, as appears expreſsly in that diligent and uſeful Collection of Inſtruments touching the late Troubles of *Bohemia*, Publiſh'd by *Gaſpar Lundorpius*---And for the uſe of *Dei Gratia* in the Stiles of Perſons either of ſupream or ſubordinate Dignity hitherto.

The 7th Article is, The Kings of *England*, antiently call'd only Lords of *Ireland*; the deduction and change of that Title, for the fuller expreſſion of Majeſty; other Attributes alſo have been given to ſupream Princes, which be Names as eſſential as thoſe of Emperor and King, yet are they not Convertible with them, nor ſo particularly deſign them. Thoſe are chiefly *Domini* and *Dij*, or Lords and Gods, which are communicated alſo to ſome others, which are ſubordinate; for that of *Dominus* or Lord, it was frequent in the *Roman* Empire: But *Auguſtus* utterly refus'd it, and by Publick Edict prohibited it to be given him; neither would he ſuffer his Children or Nephews to uſe it in their Compliments, or other Language to each other. For it was a faſhion about that Time for every Man to ſalute his Friend with the flattering Language of *Dominus* and *Rex* as it is plain out of *Martial* (*Epig.* 68. *Lib.* 1. *idem Lib.* 1. *Epig.* 113. *Lib.* 4. *Epig.* 84, &c.) Neither would *Tiberius* endure this Title, not ſo much as in common Salutation; whereupon that Great Hiſtorian and Stateſ-man (*Tacit. Annal.* 2.) obſerves, *unde Auguſta & lubrica Oratio ſub Principe, qui libertatem metuebat, Adulationem oderat.* And to the ſame purpoſe *Statius* (*Sylvar.* 1. *in Kl Decemb.*) ſpeaks to *Domitian.*

> *Tollunt innumeras, ad Aſtra, voces,*
> *Saturnalia Principis Sonantes,*
> *Et dulci Dominum favore Clamant;*
> *Hoc ſolum vetuit licere Cæſar.*

Which yet muſt either be referr'd to meer Flattery or Diſſimulation or elſe to the Infancy of his Empire. For by his expreſs Command, the Titles of his Letters, and ſuch like, were *Dominus & Deus noſter ſic fieri jubet* (*Sue*

(*Suet. in Domit. Cap.* 13.) And *Caligula* before him Publickly alſo endur'd it. After *Domitian*, the firſt that permitted himſelf to be ſtil'd by this Title, was *Diocletian*, who, as *Victor* ſaith, *Se primus Omnium Caligulam poſt Domitianumque Dominum palam dici, paſſus, & adorari ſe, appellarique uti Deum.* Afterwards *Julian* the Apoſtate, after his counterfeit Faſhion prohibited it alſo; But howſoever in Publick Salutations it might be ſo much avoided, both by Good and Bad Princes before *Diocletian*, yet both before and after him, it was promiſcuouſly given them. *Feſtus*, Lieutenant of *Jury*, in that of St. *Paul's* Appeal (*Act. Apoſt.* 25. *Com.* 26. Κύριος) calls *Claudius* abſolute Lord. *Eudæmon*, in his Petition to *Antonius*, calls him Lord Emperor; and the Emperor in his Anſwer Siles himſelf Lord of the World. And in a Gold Coin, of the Great and Religious *Conſtantine*, ſtamp'd with his Picture ſitting, and his Court-Guard about him, the Inſcription is; *Felicitas perpetua augeat Rem Domin. Noſt.* By which, and the like, our moſt judicious *Cambden* (*Brit.*) obſerves, that this *Conſtantine* was the firſt that us'd this Title in his Monies and Publick Inſcriptions. In the 10th. of *Pliny*'s Epiſtles alſo, *Trajan* is for the moſt part call'd *Domine*: altho' his Panegyrick to him hath *Principis Sedem obtines, ne ſit Domino locus.* And the Emperors are call'd *Rerum Domini* by *Sidonius Apollinaris*

----*Mea Gallia rerum* (ſaith he)
Ignoratur adhuc Dominis ----

(*Panegyric ad Majoran.*) And *Lucan* alſo ſpeaking of the beginning of the Empire in *Julius Cæſar*, from whence thoſe Titulary Attributes of Greatneſs had their Original in *Rome*, ſays

Namque omnes voces, per quas jam Tempore tanto
Mentimur Dominis, hæc primum repperit ætas.

Neither *Dominus* only, but *Herus* alſo was given them as the moſt Learned Caſaubon Obſerves upon *Sueton's Octavius*. And for the latter times, frequent Teſtimony occurs in the *Imperial* Story. The *Greek* Conſtitutions and other Teſtimonies of the *Conſtantinopolitan* Emperors commonly give them the Name of Κύριος *i. e.* Lords, for which in their latter corrupted Idiom, you ſhall have often Κῦρος, ſometimes Κῦρ, and Κύρις; whence in ſome Paſſages *Kurſac*, and *Surſac*, and the like (eſpecially in the old *French* Hiſtory of *Geoffry Ville hardovin*) occur being no other than corrupted from Κῦρ or Κύριος Ἰσαάκιος——Neither were *Juſtinian* and *Theodora* his Empreſs content with the uſual Names of Emperor and Empreſs, when any Addreſs of Speech was made to them, unleſs Δεσπότης or Lord, and Δεσπότια or Lady, were together alſo given them.

The Uſe alſo of the Title of Lord given to ſupream Princes, hath been in every Kingdom of our *Europe*, as alſo in the *Mahumedan* State, where they have the Name of *Ameras*, *Amir* or *Amera* (applied to the Great Sultan, and from him communicated to others) which truly (as that of Sultan doth) may expreſs *Dominus* or Lord. And for that of *Bodin*, affirming (*de Repub. lib. cap.* 9.) that by a Law in the *Alcoran*, none was permitted to bear the Name of Lord, but their *Caliphs*; I believe he was deceiv'd, neither could I yet meet with any ſuch Law, or any Example to juſtify his Aſſertion. But as ſome of the Emperors refus'd this Name, either becauſe it ſeem'd a relative to Servus, *i. e.* a Bond-Slave, or in reſpect that it ſuppos'd (if ill Interpreted) the Subject, and his Subſtance, in the Property of the Emperor: (for in the Laws of the Empire, *Domini Appellatione continetur qui habet proprietatem, & ſi uſus fructus Alienus ſit*; And *Auguſtus*, that ſo much refus'd it, could yet be very well contented to be made a God while he yet liv'd). So an Old *Jewiſh* Sect, mov'd in a point of Conſcience with Error, would by no means acknowledge it to any Earthly Prince, affirming it was only proper to the Monarch of Heaven. The Author of this Sect was *Judas* of *Galilee*, under *Tiberius*; he and his Followers ſtood ſo perverſely for the Nominal Part of Liberty (being in other points meer *Phariſees*) that no Torments could extort their Confeſſion of this Honorary Title to the Emperour. This *Judas* is mention'd in the *New Teſtament* (*Act. Apoſt. Cap.* 5. *Com.* 37.) Their Hereſie thus generally is ſpoken of by divers, receiving it from *Joſephus*. But their Scruple might eaſily be ſatisfied with that of the Emperor *Cantacuzen*; Indiſinitely or Abſolutely (ſaith he, *Apolog.* 8. *Advers. Mahomet.*) the Name of Lord is only due to God, but Man hath it with ſome particular Addition of Perſon or Place, in regard of which he is ſo Titled. But now, and from Antient time, without Scruple, both Kings and alſo their greater Subjects are uſually ſaluted and written with the Attribute of Lord, or *Dominus*, or *Dominator*; as in *Dominator* in *Aſia* and *Africa*, in the Stile of the Kings of *Spain*. But *Dominus* is here remembred under that Notion only, by which it is a diſtinguiſhing Attribute of Greatneſs, and not as it is a word of ordinary Salutation among all Men of the better Rank. *Seneca*, I remember, ſomewhere notes of the *Roman* Cuſtom, by which every Man, whoſe Name occur'd not, was Saluted *Domine Frater*, that 'tis frequently in the Epiſtles of *Sidonius Apollinaris*, and other; and in *Sidonius* ſometimes *Domine major*; or as every Batchelour of Art, or Vicar, or Parſon, is call'd *Domine*, and the like. But the Name *Dominus* is here to be thought of only as a diſtinguiſhing Attribute of Greatneſs, and as our *Engliſh* Word Lord is, and that without any Relation of it to an Intereſt of Property, or to Servitude, and only as it denotes ſuch Superiors as King, or Subjects of the greater Nobility with us, and Men of ſpecial Eminency in other States, known by the Names of *Heeren*, *Dons*, *Sieurs*, *Signiors*, *Seigneurs*, *Sennores*, *Seniores*, and the like. And as Kings with their Subjects of the greater Name have been ever ſtyl'd by *Dominus*; ſo Queens have had and us'd the Name of *Domina*, or Lady. *Maud* the Empreſs call'd herſelf *Imperatrix Henrici Regis Filia & Anglorum Domina*. And *Domina Hibernia* was ordinarily in the Styles of our *Engliſh* Queens, before it was alter'd under *Henry* the 8th.

This Title of Lord is ſpecially Obſervable in that Antient Style, of the Kings of *England*, wherein they were call'd *Domini Hibernia*, or Lords of *Ireland*, and not Kings of that Iſland, until towards the end of *Henry* the 8th. For the Deduction and Change of that Title, is thus; When the Iſland grew antiently full of Petit Kings (ſome of them Converting their Government into intollerable Tyranny, which others not enduring, made ſuch a divided State in it, that eaſy occaſion might ſoon be taken by their Neighbours to Invade them) *Henry* the 2d of *England* affected the Crown of it, and to that Purpoſe (as the Times were) ſent Ambaſſadors to Pope *Adrian* the 4th, entreating him, *ut ſibi liceret* (as the Words of *Matthew Paris* are) *Hiberniæ Inſulam hoſtiliter intrare, & Terram Subjugare, atq; homines illos Beſtiales, ad Fidem, & Viam deducere veritatis, extirpatis ibi Plantarijs vitiorum;* which was granted by a Bull, among other things in theſe Words; *Et illius Terræ Populus ſe recipiat & ſicut Dominum veneretur, jure Eccleſiarum illibato & integro permanente, & ſalva B. Petro de ſingulis Domibus Annua Unius Denarij penſione.* And he pretends in his Bull that all the Iſles of Chriſtendom are clearly part of the Patrimony of the Church of *Rome.* But he would never have been able to prove that. *John* of *Salisbury* (cited ordinarily alſo by the Name of *John*, Biſhop of *Chartres*) was the Chief in this Embaſſage, being a Man moſt dearly Reſpected by this *Adrian*, and his Report is alſo of an Inveſtiture made of the Iſle, by a Gold Ring ſent to the King from the Pope by him: All this was about the 2d of *Henry* the 2d, but nothing was Executed. Some Years after *Dermat Mac-Morrogh*, King of *Lemſter*, being diſtreſſed by the Kings of *Connacht*, and *Orerech* King of *Meath*, requeſted Succours of the *Engliſh*, and had them; but upon giving theſe Succours, *R. Strongbow*, Earl of *Pembroke* (to whoſe Valour *Dermat* was much beholding) ſoon made himſelf of ſuch a Greatneſs within the Iſle, that he grew ſuſpected to King *Henry*; but to avoid ſuſpicion, acknowledged whatſoever he had there to the King, who ſome 17 Years after the Pope's Bull, entred the Iſle with an Army, ſubdu'd a good Part of it, and had Homage of thoſe Petit Princes, which retain'd, as before ſo after this Acknowledgment, the Name of Kings; yet they were not *Ordinati Solennitate alicujus Ordinis* (as the Black-Book of *Chriſt-Church* in *Dublin* ſpeaks) *nec unctionis Sacramento, nec jure Hæreditario, vel aliqua Proprietatis Succeſſione, ſed vi & Armis quilibet Regnum ſuum Obtinuit.*

This King *Henry* (it ſeems) and his Succeſſors following the Syllables of that *Bull* (which is mention'd alſo in another afterwards ſent in behalf of the *Iriſh*, by Pope *John* the 22d, to King *Edward* the 2d or 3d) hence Titled themſelves Lords of *Ireland*, putting it in their Style before Duke of *Guienne.* And in the Annals of *Ireland* we read, that *Joannes Filius Regis, Dominus Hiberniæ de Dono Patris, Venit in Hiberniam Anno ætatis ſuæ duodecimo,* (which was the 13th Year from the firſt Entrance of *Henry* the 2d) and in Confirmation of his Title, Pope *Urban* the 3d ſent him a Crown of *Peacock*'s Feathers. As likewiſe *Henry* the 3d, made Prince *Edward* (afterwards *Edward* the 1ſt) Lord of *Ireland (Pat.* 52. *H.* 3. *Memb.* 9.) which was the Title firſt given, and perpetually us'd, until towards the end of *Henry* the 8th; tho' *Choppin* writes expreſsly, that Pope *Adrian* Conferr'd upon our *Henry* the 2d, *Hiberniæ Principatus Titulum*, as his Words are. How King *John* had Obedience of moſt of the Princes there, and Eſtabliſh'd *Engliſh* Laws, Officers, and ſuch more Notes of ſupream Majeſty, *Mathew Paris* moſt fully delivers. But plainly altho' the Succeeding Princes wrote themſelves but only Lords of *Ireland*, and call'd it *Terra*, not *Regnum Hiberniæ*, yet their Dominion was meerly Royal. They had their Juſtices, or Cuſtodes, or Lord-Lieutenants, or Deputies (as at this Day they are call'd) of *Ireland*, which were, as Vice-Roys, by Patent, and had moſt large Power given them, with the very Rights of Majeſty. With this fully agrees that of *Richard* the 2d, who being himſelf, but in Title, *Dominus* or Lord of *Ireland*, created *Robert Vere* (being then Earl of *Oxford*) Marqueſs of *Dublin*, and the ſame Year Duke of *Ireland*, with the fulleſt and greateſt Prerogatives or marks of Sovereignty; which had been Ridiculous, if the King of *England* in Subſtance had not been as a moſt perfect King of *Ireland*. He gave him for Life (and that with the Aſſent of both Houſes of Parliament) the whole Iſland itſelf with the adjoyning Iſles; the Tenure being by Leige Homage only (that is *Homagium Ligium*, as the Words of the Patent are, which denotes ſuch Homage as excludes all Exception of Perſons out of the Profeſſion of the Tenant's Faith to his Lord; or ſuch Homage as by the Common-Law is to be done to the King only; all other Homage with us being not *Ligium*, becauſe the King and other Lords are Excepted in it) and the Payment of 5000 Marks during his Life, *Nomine Dominij terræ Hiberniæ*; And with this he further granted to him for Life alſo, the Patronage of all Biſhopricks, Abbies, and ſuch like there, which were in the King; Power alſo to make a Chancellor, Treaſurer, Juſtices of both Benches, Barons of the Exchequer, Sheriffs, Coroners, and all other ſuch Officers, with the Right of Coining Money, and ſuch more Royalties, which are rarely ſeparated from a ſupream Crown; all which may be ſeen in the Patent itſelf (*Rot. Cart.* 9. *R.* 2. *Memb.* 1. and *Rot. Parl.* 9 and 10. *M.* 3.) too long here to be Inſerted. But he enjoy'd not this many Years, but by the like Authority loſt it; and this ſo unuſual Dignity, that ſo began in him, ended alſo in him. Neither can there be a plainer and more remarkable Teſtimony of the fulneſs of Royalty over *Ireland* in the Antient Kings of *England*, than this Creation thus made by the King and his whole Parliament, into a Title, that is the higheſt next to King or Emperor. And we know, that the ſame K. *Richard* had a Purpoſe to have rais'd this Duke of *Ireland* into the expreſs Title of King of it alſo, as appears by *Thomas* of *Walſingham*; and mention is made of it alſo in the Parliament Rolls of that Time. All which ſhew that *Dominium Hiberniæ* was taken to be no leſs than *Regnum* in the Kings of *England.* But at length, under *Henry* the 8th, this Title of Lord of *Ireland* was alter'd into King, as may be ſeen by the Words of the Act. (*Stat. Hibern.* 33. *H.* 8. *Cap.* 1) Thus much Pope *Paul* the 4th afterwards Confirm'd to King *Phillip* and Queen *Mary*, with *de Poteſtatis Plenitudine, Apoſtolica Authoritate, Regnum Hiberniæ perpetuo erigimus*: And in the Stile of their Parliaments it was henceforth call'd *Regnum* or Realm, no longer *Terra Hiberniæ.*

The 8th and laſt Article ſhews, when and how the Title of Defender of the Faith was given to the Kings of *England*, and when they had the Title alſo of ſupream Head of the Church.--The beginning and ground of that Attribute of Defender of the Faith, which hath been perpetually, in the latter Ages, added to the ſtyle of the Kings of *England* (not only in the firſt Perſon, but frequently alſo in the Second and Third, as common Uſe ſhews in the Formality of Inſtruments, of Conveyance, Leagues, and the like) is moſt certainly known. It began in *Henry* the 8th; for he in thoſe Awaking times, upon the Quarrel of the *Romaniſts* and *Lutherans*, wrote a Volume againſt *Luther*, in Defence of Pardons, the Papacy, and 7 Sacraments: And of this Work the Original is yet remaining

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remaining in the *Vatican* at *Rome*, with his own Hand thus Inſcrib'd to Pope *Leo* the 10th.

> *Anglorum Rex Henricus*
> *Leoni* X *Mittit Hoc Opus &*
> *Fidei Teſtem & Amicitiæ.*

Whereupon, the Pope (in the 12 Year of his Reign) Conferr'd it upon him by his *Bull*, commanding all Chriſtians that in their Directions to him, they ſhould after the Word King, add this of Defender of the Faith. After this *Bull*, *Henry* the 8th preſently uſed the ſtyle according as the Pope had given it him, and call'd himſelf, and was call'd of *England* and *France* King, Defender of the Faith, and Lord of *Ireland.* But after the Name of Lord of *Ireland* was turn'd into King, then the Word *Ireland* came in after *France* with the ſame Title. And ſome Medals of Gold inſcrib'd with his former ſtyle, and this Addition expreſs in *Latin*, *Greek* and *Hebrew*, were diſpers'd into many Hands. But beſides that of Defender of the Faith, *Henry* the 8th by Act of Parliament (26. *H.* 8. *Cap.* 1) had the Title of ſupream Head of the Church of *England*, annex'd and united to the Imperial Crown of this Realm, which was us'd by him, and King *Edward* the 6th, next thoſe Words of Defender of the Faith; as it was alſo by the Lady *Jane* that pretended to be Queen againſt Queen *Mary*, in the Proclamation that was made of her Right to the Crown; neither did Queen *Mary* at firſt abſtain from it; but in the Proclamation of her Right alſo ſhe was call'd ſo; but it hath been ſince wholly Omitted; yet it was a great Queſtion in the beginning of Queen *Mary*, whether the Writs of Summons to the Parliament, which had not this Title in the Queen's ſtyle, were Legal or no; but it was at length reſolv'd upon great Deliberation, that they were Legal, and that the Act, which gave the ſtyle, was to be underſtood only Affirmatively without any Negative Inference, that the ſtyle ſhould not be good without it *(Seld. Tit. Hon. Part* 1. *Chap.* 7. *Pag.* 94, 95, 96, 97, 98, 99 *in Part*, 89, 90, 91, 92, 93, 94 *in Part. Sect.* 3 *and* 2. *Part* 1. *Chap.* 5. *pag.* 53 *in Part*, 54 *in Part*, 58 *in Part*, *and* 59 *in Part. Sect.* 4.) As for the true Etymology of the Word Lord, I ſhall give it the Reader by and by in its proper Place.

(2) *Him and the People*] Which hath often made me think, with Reverence be it ſpoken, that we have a Kind of *Trinity* in our Government, as well as in our Faith, to which, I'm ſure, they ought to have another Reſemblance, and that is their *Unity*; for their Power is ſo equal in the great Point of Legiſlature, that it cannot properly be ſaid, that one is greater or leſs than another. For as all have Negative Voices, ſo neither nor both the Houſes without the King, nor the King without the two Houſes can do any thing; but the Conſent of the whole Three is neceſſary both to the making and abrogating a Law; for all three Parties being equally oblig'd to execute and obey thoſe Laws when made, it was very reaſonable they ſhould all give their Conſents to them before they were made; and ſince the Legiſlative Power is in all Nations eſteem'd the Supream, and ours being ſo divided, it ſeems to be a little improper, to call any One of the Three the Supream Power: It muſt be acknowledg'd indeed, that the Executive Part of the Power is, by the Conſent of the other Two, committed to the King, and that only by way of Truſt, and under ſuch Limitations, that it cannot properly be call'd the Supream Power, altho' he may fitly enough be ſtyl'd the Supream Magiſtrate of the Nation, becauſe he, and none but he, has the Power to make Men keep the Laws, and to puniſh them for the Breaches thereof; but that under ſuch Reſtrictions and Limitations as keep *Magna Charta* entire in all its Parts. *(State Tracts. Vol.* 1. *Fol.)*

(3) *Crown*] According to the Critical Method I'm purſuing, the following Particulars cannot be omitted, *viz.* The Uſe of Crowns, as of Enſigns of Royal Dignity; of the Diadem of antient Time; and how Crowns of Gold came into Uſe among Chriſtian Kings; for all which *Selden*'s Authority muſt be yet made Uſe of.

For Royal and Imperial Crowns or Diadems however (ſaith he) thoſe Names have been from antient Time confounded, yet the Diadem ſtrictly was a very different

Thing, from what a Crown now is or was; and it was no other than only a Fillet of Silk, Linnen, or ſome ſuch Thing. Nor appears it, that any other Kind of Crown was us'd for a Royal Enſign, except only in ſome Kingdoms of *Aſia*, but this Kind of Fillet until the Beginning of Chriſtianity in the *Roman* Empire; neither is it to be regarded, that ſome Learned Men take King *Latinus*'s Crown or Helm Radiant in *Virgil* (*Æneid* 12) for a Note of his being a King; plainly it was a Note of his Deſcent or Family, not of his Royal Dignity; for as in the elder Times of the flouriſhing *Roman* Empire, the Crown Radiant, or *Radiatum Caput* was a Character of being accounted as a God; ſo in the heroick Times, it was a Note of a Deſcent from a God, or rather eſpecially from *Phœbus*, who, in the more real Divinity of the *Gentiles*, included almoſt all the Gods; and thence it is, that *Virgil* calls this Radiant Crown *Solis Avi Specimen*, *Latinus* being Son to *Circe*, that was Daughter to *Phœbus*.

The eldeſt Times, to which we find a Royal Crown or Diadem attributed, is the Age of that King *Pharaoh*, to whom *Moſes*, being an Infant, was brought by his Daughter *Thermutis*. *Pharaoh* (ſays *Joſephus*. *Archæolog*. *Lib*. 2. *Cap*. 5.) put his Diadem upon the Child's Head, and the Child caſt it to the Ground and ſpurn'd it from him; of what it was made we cannot be ſure, nor have we more than that bare Relation of it.

But the antienteſt mention of a Royal Crown is in the Holy Story, in that of the *Amalekites* bringing *Saul*'s Crown to *David*, (2. *Sam*. *Cap*. 1. *Com*. 10.) where it is call'd in the *Hebrew* Tongue *Nezer*; that being the ſame Word by which the Crown of the High-Prieſt is denoted in *Moſes*. (*Exod*. *Cap*. 29. *Com*. 6.) Some of the *Greeks* have turn'd it by Βασίλειον, as if you ſhould ſay the Royal Enſign: In other 'tis rendred Διάδημα, *Diadema* the ſame Word being us'd alſo in the vulgar; but *Joſephus* (*Archæolog*. *Lib*. 6. *Cap*. *ult*. & *Lib*. 7. *Cap*. 1.) calls it Βασιλικὸν στέφανον abſolutely; what Kind of Thing it was cannot be learned from that Text; and if we ſhould conjecture only by the Uſe of other Kings of thoſe Parts of *Aſia* (in the Ages that are much later than *Saul*) we might as well think it had been the Fillet only as any other of

Mettal, in regard both Kinds were in Uſe in thoſe Parts, and both equally call'd *Diademata.*

But if alſo what occurs afterwards in the Holy Story, *David*'s Crown may perſuade us, that this of *Saul* was of the ſame Nature; it muſt follow, that it was of Gold and Stones; for it appears that *David* out of the Spoils of the *Ammonites* had ſuch a Crown; the Words are, (2 *Sam. Cap.* 12. *Com.* 30.) as they are commonly turn'd in the latter Tranſlations; and he took their King's Crown from his Head (which weigh'd a Talent of Gold, with precious Stones) and it was ſet on *David*'s Head. The ſame Relation being in another Paſſage of Scripture, (1 *Paralip. Cap.* 20. *Com.* 2.) and almoſt the ſame Syllables in thoſe Tranſlations, which diſagree not from the Original; and to the ſame Purpoſe *Joſephus*, whoſe Interpreter (*Archæolog. Lib.* 7. *Cap.* 7.) yet renders him not, where he ſays, that *David Capite geſtare ſolitus eſt hanc Coronam*; *Joſephus* ſaith only that he bare it on his Head, not that he us'd to wear it; for the Weight of it being a *Hebrew* Talent of Gold (which is of our Money near 4500 l; and about 120 l. Weight) it was impoſſible he could uſe to wear it; and therefore ſome will have it, that the ſetting of it on his Head, was but by holding it over, or near his Head, as if it had been by himſelf clearly inſupportable. But then why had the King of *Ammon* ſuch a Crown? and how did he wear it? Some moſt Learned Men (*Joſ. Salian. Annal. Eccleſiaſt. Tom.* 3. *Anno.* 2999. *N.* 33, and 34. and *Baron. Tom.* 3. *Anno.* 337. *Pag.* 407. *Edit. Antwerp.* 1593.) take the Holy Story otherwiſe, and conceive, that it was not the Crown of that *Hanun Ben Nabas* King of *Ammon* (whom *David* conquer'd) but of the *Ammonites* Idol *Melchom*, or *Molchom* (the ſame with *Moloch*) from the Head of whoſe Statue this Crown might be then taken; and that the Crown, which *David* put on his Head, was one made out of it; and indeed the Syllables of the Text are, (or may be underſtood to be ſo) and he took the Crown of *Melchom*, or *Molchom* from his Head; for that Word, which as an Appellative ſignifies their King, as a proper Name denotes their Idol, as we ſee alſo in other Paſſages of the Holy Story; neither do ſome of the Copies of the *Greek* Tranſlation otherwiſe give us this place, than by uſing the Word *Melchom*, and be-

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beſides interpreting it as an Appellative by τῦ Βασιλέως ’αυτῶν; and the Vulgar alſo in one of theſe Paſſages, *Tulit David Coronam Melchom de capite ejus, & invenit in ea Auri Pondo Talentum & pretioſiſſimas Gemmas*; and for Juſtification of their Conceits, who think he wore it not, but made him one out of the Richneſs of it, the Words expreſsly follow, *fecitq; ſibi inde Diadema, & fuit ſuper Caput David.* But however, it ſhews that this Crown, which *David* us'd here, was of Gold and ſet with Jewels; and *Clemens Alexandrinus* ſays generally of the Royal Crowns us'd by the Kings of *Judah* and *Iſrael*, that they were ſo, and this was ſet on their Heads by ſome Inaugurations by the High-Prieſt (2 *Reg. Cap.* 11. *Com.* 12.) who alſo anointed them. They us'd it till the Captivity, after which, about 480 Years no Governor in that Nation wore it, until *Ariſtobulus* (*Joſeph. Archæolog. Lib.* 13. *Cap.* 19.) began again to uſe it about an 100 Years before Chriſt, whence it continu'd on their Kings till it ended in *Agrippa*, about *Veſpaſian*'s Time.

Touching other of the antienteſt Kingdoms, whereof we have Teſtimonies left to this Purpoſe ---- In ſome of them the Kings had Crowns of Gold, and alſo their Fillets. In others only Fillets. Of the firſt Kind were the *Perſian* Kings, whoſe Fillets circled their Heads upon a *Tiara*, which was a long Cap of ſuch a Kind, as that every Man there wore one, as we do Hats; but none might wear it upright ſave only the King, or by ſome extraordinary Indulgence of Honour from him. In others it bended forwards. The Antients are full of Paſſages, that ſhew this of the Diadem or Fillet, and the *Tiara* or *Cidaris*. But it is to be obſerv'd, that oft times while they ſpeak of the *Perſian* Kings with Special Relation to their Royal Dignity, the Word *Cidaris* or *Citaris*, is Abſolutely taken for the *Regium Perſarum Inſigne*, (ſo *Curtius*, *Plutarch*, &c.) as if they plainly included in it both the *Tiara* and the Diadem together, no otherwiſe, than as we ordinarily, by ſome general Word, ſhortly denote an Individual which we ſuppoſe known to all Men; as when by the Name of the Crown generally, or of the Purſe generally, or of the Seal generally, we mean the King's Crown, the Purſe with the Great Seal, and the Great Seal of *England*. And ſometimes it is with a little more

Addition call'd *Tiara recta* only. (*Senec. de Benef. Lib.* 6. *Cap.* 31.) With ſuch a Royal Enſign the Queens alſo were honour'd in *Perſia*, if at leaſt in the Holy Story, (when both *Vaſhti* and *Eſther* are crown'd) the *Hebrew Keter Malcuth*, *i. e.* the Crown, or Diadem, or Enſign of the Kingdom denote this of the *Citaris* and Fillet on it. --- But the Diadem it ſelf, (as it is to be diſtinguiſh'd from their *Citaris*) or the Fillet, was in *Perſia* chiefly of Purple, varied with white. *Darius*'s was *purpureum Diadema, diſtinctum Albo*, (as *Curtius* ſays *Hiſtor.* 3, and 6.) and in the Holy Story of *Mordecai*, as it is in the *Greek* Text, his Diadem Royal (for King *Ahaſhweroſh* honour'd him with one) is of Purple and of Silk, as the Words are, where alſo (*Eſther. Cap.* 8. *Com.* 15.) it appears in expreſs Words that he had (among the Enſigns Royal, that were put on him) a Gold Crown alſo. ---- The *Hebrew* indeed makes no ſuch diviſion. But the *Hebrew* compar'd with this and the Teſtimonies of Prophane Writers, juſtifies clearly, that there was a Crown of Gold, as well as a Fillet for a Royal Enſign in *Perſia*: and perhaps in the greater Solemnities, the Crown of Gold was us'd, and the Fillet (as being not ſo troubleſome) in their ordinary wearing.

In other the antienter Kingdoms either of *Aſia*, or elſewhere, I remember no ſuch Uſe of both thoſe Kinds of Crowns. But the Diadem or the Fillet alone is obviouſly in good Authors given to the Kings of *Pontus*, *Armenia*, *Parthia*, *Lydia*, *Phrygia*, and others of thoſe Parts; where the tying on of it was the chief Part of the Inauguration. So *Volageſes* King of *Parthia*, deſigning his Brother *Teridates* King of *Armenia*, *Diademate Caput evinxit*, as *Tacitus* (*Annal* 15.) ſays. In *Africk* alſo this Diadem or Fillet was the only Royal Enſign of the Head; and ſo it was of divers old Kings of *Europe*. The Coins of the old Kings of *Sicily*, as of *Gelo*, *Hiero*, and *Agathocles* have their Heads circled with this Diadem or Fillet. And the *Greek* Kings had their Fillets or Diadems, or *Vincula*, (as in *Seneca*'s Tragedies) they are ſometimes call'd. What other Kings of *Europe* wore in thoſe more antient Times, fully enough appears not: It is a tolerable Conjecture, that they us'd the Fillet as the reſt. And *Pliny* ſuppoſes the Diadem to be as antient as *Bacchus* for a general Enſign for Kings; for he ſays (*Nat. Hiſt. Lib.* 7. *Cap.* 56.) that he invented *Diadema Regium Inſigne.* Nor are the Teſtimonies clear enough in Credit, that tell us *Dunvallo Mulmutius* King of our old *Britons*, and the old Kings of *Scotland*, even from *Fergus* the 1ſt, us'd a Gold Crown. But it ſeems by the old *Britiſh* Monies, that the Diadem or Fillet, perhaps of Pearl alſo, was worn by *Cunobelin.* In the Memoires, that remain of the many Enſigns of Dignity receiv'd into *Rome* by *Tarquinius Priſcus* upon his Conqueſt of the *Tuſcans*, the Fillet is not mention'd, tho' at that time, *Omnia Decora & Inſignia* (as *Florus* ſays) *quibus Imperij Dignitas eminet* came into the State. Among them *Dionyſius Halicarnaſſeus* (*Archæolog.* 3.) indeed reckons a Gold Crown: But as the reſt of theſe Enſigns were given to Civil Magiſtrates, or to Generals in the Field, as Honorary Notes of Subordinate Dignity, ſo was this of the old Crown, and of the Laurel alſo; the Uſe of them being then chiefly in a General's Triumph, but not in diſtinguiſhing a King —— Other Crowns alſo, as of Oak, Graſs, Myrtle, Ivy, Roſes, and divers more were in frequent uſe in their giving of Honorary Rewards, in Sacrifices, Feaſts, Marriages, Funerals, Wooings and otherwiſe, and that as well in the old States of *Greece* as of *Italy*; which is alſo (if no other were) a good Argument, that all Crowns under that Name, and as diſtinguiſh'd from the Diadem or Fillet, were far from being taken as Royal Enſigns among them. Therefore ſo much as concerns the ſeveral Crowns us'd in thoſe Countries is excluded here, as not belonging to the Subject.

But I note as moſt obſervable to the Preſent Purpoſe, that whereas *Virgil* puts in *Evander*'s Mouth. (*Æneid.* 8.)

Ipſe Oratores ad me Regniq; Coronam
Cum Sceptro miſit, mandatq; Inſignia Tarchon,

as if the *Tuſcans* had us'd a Crown for a Royal Enſign; *Servius Honoratus* being curious in Matter of antient Cuſtoms, learnedly admoniſhes, that *Corona* ſignifies there *Inſigne* generally. He takes (I preſume) *Corona* for a Crown, as it is diſtinct from a Diadem, and then he agrees fully (for ſo much at leaſt as concerns the *Tuſcan* Kings) with the excluding of Crowns from being Notes, in that Age, of Royal Dignity. But tho' the common Story written of the Times of the *Roman* Kings, ſhews us not that they us'd Fillets; yet in other Teſtimonies, they have them. In ſome Monies inſcrib'd C N. PISO. PROQ. (he is taken to be the ſame that was Vice-Admiral to *Pompey* in the *Piratique* War.) *Numa*'s Head hath a Fillet on it; and in the Fillet his Name ſtampt. *Ancus Martius* hath his Fillet alſo in a Piece of the ſame Age; others have thoſe two Kings together filleted in one Stamp; but they were all coin'd about 500 Years after the End of the *Roman* Kings; and therefore are no infallible Teſtimony to this Purpoſe; nevertheleſs among other Teſtimonies, they ſhew that the *Romans* at that Time conceiv'd (as other Nations) this Diadem or Fillet to be the proper Enſign of a King, and therefore endur'd not the Uſe of it, while they hated the Name of a King; they endur'd not the Uſe of it, when there might be any Colour to take it for an Affection of Regal Supremacy; for otherwiſe a Fillet, and a white One, was not only endur'd but by Inſtitution of the State, us'd in the Habits of their Prieſts, as it was alſo an Ornament of the *Nomophylaces*, or the Chancellors and Fiſcal Judges of *Athens*. But in thoſe it was no more Suſpected for Regal, than a Crown with us is on our Kings of Heralds. The Prieſts, and thoſe *Nomophylaces* had their Authority Subordinate under the State, as theſe Officers under the King: So the Prieſts among the *Jews* alſo had a Crown, as well as the King: And the *Roman* Women (as ours at this Day) had their Diadems alſo or Fillets, varied at their own Fancies. But in old *Rome*, in whomſoever any Suſpicion of Power was, in him alſo, and in every Attribute to him, the Diadem was ſuſpected; thence is it, that he that put a white Fillet or a Diadem upon the Laurel of *Julius Cæſar*'s Statue, was commanded to Priſon (by the *Tribunes*, *Flavius* and *Marcellus*) as one, that thereby derogated from the Publick Liberty in giving him that which was proper to a King. And that of *Pompey* is of the ſame Kind.

By reaſon of this Suſpicion of the Diadem, and for that the Name of King was ſo hateful among them (altho' they were in no leſs Servitude to their Emperors, even in the Beginning of the Empire, than any other Nation to their Kings) the Emperors at firſt abſtain'd from meddling with any Diadem. *Caligula* indeed ventur'd to put it on, but durſt not uſe it; none afterwards for about 280 Years openly affected it. But *Heliogabulus* at length wore one with rich Stones on it, yet in his Houſe only. The firſt of them afterward, that wore it, and ſometimes perhaps publickly, was *Aurelian*. But hitherto no conſtant or continual wearing of it was come into Faſhion with the Emperors; nor had they yet any other Enſign of Dignity for their Heads beſides the Laurel and the Radiant Crown, which was us'd alſo for the moſt part only in Pictures or Statues; rarely otherwiſe. But neither of theſe were proper to them, as Enſigns of their Monarchick Empire, which as yet had nothing ſingular in what was worn, beſides the Purple Robe, or *Chlamys purpurea*, as *Eutropius* expreſsly and his Paraphraſt *Pæanius* obſerve in *Diocletian*: whence *Purpuram ſumere* was in Uſe for, to take the Empire, and *Purpura Indui* for to be made Emperor.

But for the Laurel and Radiant Crown; the Laurel was triumphant only, and born by them, as they had the Name of *Imperatoris*, in the Signification which that Word had in the Free-Time, or with relation to the Triumphs us'd by thoſe that were Generals of the State. Thence is it, that ſo frequently their Heads have Laurels upon them in their old Coins. ---- And the Radiant Crown, or *Radiatum Caput*, which is ſo frequently ſeen on the Heads of Emperors long before *Aurelian*, was a particular Note of Flattery, which ſuppos'd them as Gods; for that Kind of Crown was then principally for no other Uſe. And thence is it that in divers of the Heads of *Julius*'s and *Auguſtus*'s Coins (after their Conſecration into Deities) we find Radiant Crowns; and in the following Times alſo it occurs in the Coins of divers other: and that while ſome of them liv'd too, becauſe the Name and Dignity of a God was attributed to them. But withal oft times the *Radiatum Caput* is met with upon Coins, that were of elder Time, than the Monarchick Empire. But in thoſe it is always the Sun's or *Phœbus*'s Head. But ſoon after *Aurelian*, the Diadem grew to be a Principal Enſign of the Empire. *Euſebius* expreſsly of *Conſtantius*, Father to *Conſtantine* the Great (ſpeaking of the Emperors that were before joyn'd with him, and of their leaving all to him) ſaith thus, *viz.* Only *Conſtantius* was now ſtyl'd the chief *Auguſtus*, and *Sebaſtos*, having been at firſt honoured with the Diadem belonging to the Emperors *Cæſar's*, and having had alſo chief Place among them; and in that *Conſtantine*, his Son, it became to be a continual wearing. (*De vita Conſtantini, Lib.* 1. *Cap.* 12.) *Victor*, *Cedrenus*, and the Author of the Chronicle of *Alexandria* ſpeak to the ſame Purpoſe, *viz.* That *Conſtantine* firſt of all the Emperors us'd a Diadem, and was more curious in wearing of Pearls and precious Stones. But (as others) he had in the Beginning of his Empire his Laurels, and his Crown Radiant too on ſome of his Coins, as alſo afterward, while he was a Chriſtian, on his moſt eminent Statue, as the ſame Author (*Chron. Alex. pag.* 664.) ſays; tho' ſome take the Statue there ſpoken of, (*Zonar. Tom.* 3. &c.) to have been rather *Apollo*'s with *Conſtantine*'s Name on it, whereof we diſpute not; the Diadem, which he ſo us'd, is the ſame, it ſeems, which the latter *Grecians* conceiv'd to have been ſent him from Heaven. (*Conſtantin. Porphyrog. de Adm. Rom. Imperio Cap.* 12.) His Uſe of wearing this kind of Diadem, and his leaving the triumphal Laurel, by turning it into Gold and rich Stones on a Fillet, is taken by ſome (*Baron. Annal. Tom.* 3. *Ann.* 337. & *Tom. eod. Ann.* 351.) to have been in him a Pious declining the Uſe of what was Sacred to Idols, and an Enſign of Gentiliſm in the Empire, as the Laurel was, and for that Cauſe had long before been inveigh'd againſt by *Tertullian de Corona Militis.* Nor was it ſo fit any longer for him to wear the Laurel, that had ſo demoliſhed the Temples of *Apollo*, to whom it is known to be Sacred, therefore to imitate rather the Faſhion of the Kings of the *Jews* (ſome of which were Types of that great King, for whoſe Service *Conſtantine* had at length profeſs'd his Name) he took the Diadem of Gold and Stones, and was the firſt that us'd any of that Kind. After *Conſtantine*, this kind of Diadem was in common Uſe, but ſo, that his nearer Succeſſors did not ſo ſcrupulouſly always reject the Laurel as he had done; at leaſt in their Coins it is not always omitted.---But the Faſhion of their Diadems (as far as I have obſerv'd) continu'd moſt uſually the ſame with that of *Conſtantine.* But altho' the ordinary Uſe of the Royal Crown or Diadem (as the Words are Confounded) were as antient in the Empire as *Conſtantine*, and tho' it were, after him, born by his Succeſſors, and put on at their taking the Empire, as the Crown, at this Day, at the Inauguration of Chriſtian Kings; yet this Difference appears, that until the Emperor *Juſtin* the Younger (unleſs we rely upon ſuch Authority as hath not ground enough to juſtify itſelf) the Solemn putting on the Diadem was done only either by the Imperial Guard, or ſuch as had power to ſupply them in their uſual way of making Emperor, or elſe by the preceeding Emperor, in Deſigning his Succeſſor or Crowning his Empreſs.

And the Firſt, that appears infallibly to be Crown'd by the Patriarch of *Conſtantinople* (for the Coronation there was his antient Office, as it belongs in *England* to the See of *Canterbury*; in *Spain* to *Toledo*; in *France* to *Rheme*; in *Swethland* to *Upſalia*) was *Juſtin* the Younger, that ſucceeded *Juſtinian* in 565. Nor doth it appear, that there was any ſuch Coronation in the Empire of an elder Time. The beſt Author, that delivers this of *Juſtin*, is *Corippus*, that liv'd in the ſame Age with him; he ſays, that he was firſt, after the old Faſhion, taken up on a Shield, and ſo by Acclamations choſen Emperor, and then Crown'd by the Patriarch. From that time of *Juſtin*, this kind of Coronation, for the moſt part, continu'd in his Succeſſors till the end of the *Eaſtern* Empire. But ſome ſay alſo, that *Leo*, Succeſſor to *Marianus* in 461 of our Saviour, was Crown'd by the Patriarch of *Conſtantinople*, and was the firſt that was Crown'd Emperor. So *Rabbi David Ben-Salomon*, a *Jew* of *Poland*; his Words are, *viz.* *Leo* the 53d Emperor reign'd in *Conſtantinople* in the Year 4221 (that is 461 of our Saviour) and his Imperial Dignity was confirm'd by the Patriarch there, by putting the Imperial Crown on his Head. And this Emperor was the firſt that was Crown'd with an Imperial Crown.

In the *Weſtern* Empire, the uſe of Coronation began in *Charles* the Great; and ſaith the ſame *Rabbi*, this Emperor was the firſt, that receiv'd the Imperial Crown from the Pope; and there (at *Rome*) it is receiv'd till this Day; and as the Patriarch of *Conſtantinople* Crown'd them of

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the *Eaſt*, ſo the Pope thoſe of the *Weſt*. But the Pope regularly Crown'd them only with their 3d Crown, which is given them at *Rome*. For the Emperor was wont after his Coronation, perform'd by the Arch-biſhop of *Cologne*, at *Achen*, in St. *Mary*'s Church (where his Throne or Chair is the ſame that *Charles* the Great us'd) to be Crown'd at *Milan* in St. *Ambroſe*'s Church, by the Arch-biſhop there, or elſe at *Monza*, ſome few Miles diſtant from *Milan*, in St *John*'s Church, and then to go to *Rome* and receive a 3d Coronation from the Pope, or the Cardinal of *Hoſtia* (as his Vicar) at St *Maurice*'s Altar, in St. *Peter*'s. Their firſt Coronation at *Achen* is Ordinary, but that ſecond hath not had many Examples. The firſt as the Diligent and Learned *Onuphrius* obſerves (*de Comitijs Imperat.*) was in that of the Emperor *Henry* the 7th, in the Year 1340. Some others ſince him alſo had this 2d Coronation there. But alſo ſome of them, have inſtead of it, receiv'd a particular Coronation elſewhere, for that which ſhould otherwiſe have been at *Milan*: As *Frederick* the 3d was twice Crown'd at *Rome*, to ſupply this of *Milan*; and *Charles* the 5th twice at *Bologna*, to ſupply both that of *Rome* and this together: That at *Achen* is taken for the Emperor's being King of *Germany*; that at *Milan*, for his being King of *Italy*; and that at *Rome*, for his being Emperor.

But whereas commonly the Crown, taken at *Achen* is ſaid to be of *Silver*, and that at *Milan* of *Iron*; it is to be underſtood, that their Metals are not ſuch, but for ſome other Reaſon (which as yet I have not ſufficiently learned) they are only call'd ſo, and are of *Gold*, as well as that taken at *Rome*. The Uſe of Crowns and Coronations thus deduc'd from *Conſtantine* the Great, was an Example, which the reſt of the Kings of *Europe* followed. The Kings of *France* had Crowns in their Inaugurations, before the beginning of the *Weſtern* Empire; ſo we read in the Stories of *Charles* and *Caroloman* the Sons of King *Pepin* in 768 of our Saviour. Among the *Engliſh* Kings, *Geoffry* of *Monmouth* ſays, that King *Athelſtan* firſt us'd a Crown; and *Ethelwerd*, a writer of the *Saxon* Times ſpeaking of King *Edward*, next Predeceſſor to *Athelſtan*, uſes theſe Words of him; *Coronatur ipſe Stemmate Regali a primatis Electus*, &c. (*Lib.* 4. *Cap.* 4.) But of the

Crowns of the *Engliſh* Kings, and their Coronations more preſently.

The Traditions of *Scotland* are (*Hector Boet. Lib.* 2 & 10.) that until King *Achaius* (about 800 of Chriſt) their Kings us'd a Crown of Gold even from their firſt King *Fergus*; and that it was *Militaris Valli forma*, or a plain Circle of Plate, and that *Achaius* added to that plainneſs 4 *Fleurs de lis* and 4 *Croſſes*. And for the *Weſt-Gothick* Kings of *Spain* it is deliver'd (*Roderic. Tolet. Lib.* 2. *Cap.* 14. and *Marian. de Reb. Hiſp. Lib.* 5. *Cap.* 13.) that the 1ſt of them that had it among his Enſigns of Royalty, was King *Lewigild* about 580 of our Saviour. And I remember I have read (*Sigon. de Regno Italiæ Lib.* 1.) that the firſt Crown us'd in the Kingdom of *Lombardy* was about 590, and that it was made by Queen *Theodelinda*, and the ſame, which is ſince call'd the Emperor's Iron Crown, and kept at *Milan* or *Monza*. In other Chriſtian Kingdoms of *Europe*, that have later Beginning; their Crowns (I think) and Coronations have been equal to their firſt Erection into that Title. But the Forms of the Royal Crowns us'd in moſt (if not in all) thoſe Nations are different; that of *Spain* ſomewhat from the *Engliſh*; both theſe from the *French*; and the *French*, *Spaniſh* and *Engliſh*, ſeverally differing much from that of the Empire. The Circle of the *French* is rais'd only into *Flowers de lis* and *Arches*, and hath a *Flower de lis* on the top; whereas the King of *England's*, of *Spain's* and the Emperor's have a *Globe* and a *Croſs* in that Place; as alſo the Crowns of *Denmark* and *Sweden*.

But this may not untimely be obſerv'd here, that the Arch'd or cloſe Crown (ſo commonly in Uſe at this Day) or that which is call'd Imperial (for ſo are the Arch'd and cloſe Crowns call'd, and belong only, they ſay, to ſupream Kings) is not of very antient Uſe, ſave only in the Empire. Nor do I find in the *French* Coins any Diadem or Crown otherwiſe than Fleury only, till *Francis* the 1ſt. But for the Chriſtian Kings of this Territory of *England*, it ſeems that in the Elder times of the *Saxons* (to omit here as a Vanity that of King *Arthur's* Crown, which *Leland* ſays (*Aſſert. Arth. Pag.* 12.) he ſaw in his Seal) they had at firſt, after the common Faſhion of other Nations, which perhaps had been Antient with them alſo,

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the Ordinary plain Fillet or Diadem, as may be ſeen in *Adulph* King of the *Eaſt-Angles*, ſtamp'd in his Coin, who began his Reign in 664, and that afterward, they had their Diadems of Pearl or other ſuch matter, as *Conſtantine* and his near Succeſſors us'd. For *Offa*, King of *Mercland* in 763 of our Saviour is ſo preſented in his Coins. And ſo are his Succeſſors, *Bertbulf*, *Burgbred*, *Kenulph*. But King *Egbert*, who, about 800 of our Saviour, became Monarch of the *Heptarchy* had, as it ſeems, by his Coins, a Radiant Crown, the Rays being much ſhorter than thoſe on the Old Emperor's. But again, if the Stamp deceive not, King *Alfred's* Head in his Coins is Circled with a ſimple Diadem, after the Common and Antienteſt Faſhion, as more of his Succeſſors alſo were till *Edward* the *Confeſſor*. Only, if I miſtake not, King *Edred*, and King *Edmund Iron-ſide* have Crowns ſomewhat like the Coronets of our Earls, pointed and pearl'd on the Points, which are rais'd higher than commonly thoſe in our Earls Coronets, but are not ſo many. And King *Hardicnute* hath a Diadem of Pearls like others. The reſt, either ſome Diadem on their bare Heads, or on Helmets. But *Edward* the *Confeſſor* in ſome of his Coins hath an ordinary Crown of Gold, rais'd into *Flowers de lis*, tho' in his Picture, which his Great Seal preſents, his Head hath a Cap and a Crown on it. And indeed, tho' the Coins of the *Saxon* times ſhew us but what I have here deliver'd, yet there are extant ſome Volumes written under King *Edgar*, and by his Command, touching the Reformation or Reſtitution of the Monaſtique Life in *England*, wherein he is Pictur'd, and in a Draught of his own time, with a Crown *Fleury* alſo rudely drawn; and whenceſoever it proceeded, the Crowns that are put on the Heads of moſt Antient Kings in Pictures of the Holy Story of *Geneſis*, tranſlated into *Saxon*, in thoſe times, and in ſuch Draughts as deſign'd the Holy Stories belonging to the *Pſalms* of near, or about 1000 Years ſince, are no otherwiſe than *Fleurie de lis*. But after the *Confeſſor*, *Harold* returns again in ſome of his Money, to the Diadem of Pearls, and bears it on an Helm, I conceive to be properly that, which they call *Cynehelm*, as the Diadem without the Helm, that which was their *Cynebanð* or

Royal Fillet ; for theſe two Words with the *Saxons* denoted a Royal Enſign of the Head.

Our firſt King *William* in his Great Seal wears on a Cap a Crown, both *Fleury* as that on the *Confeſſor*'s Money, and rais'd with Points, that have Croſſes on them. But on his Coins, it ſeems, he hath the Pearl'd Diadem, having Labels at each Ear, and ſomething like an Arch that goes croſs the Head, as it is frequently ſeen in thoſe of the *Eaſtern* Emperors.

His Son and Succeſſor *William Rufus* is Crown'd in his Great Seal with no other Faſhion'd Crown, than what is now with us an Earl's Coronet ; but in his Coins, the ſame Shape is preſented, which his Father alſo bears upon his Monies.

That of *Henry* the 1ſt, both in his Great Seal and Coins is only *Fleury de lis*, and the Flowers are rais'd but little ; and in that of his Coins, 2 Labels of Pearl, or ſome ſuch thing hang at each Ear.

King *Stephen* alſo in both, hath only a little Crown *Fleury*, which is exactly too the Form, that both *Maud* the Empreſs, and *Henry* the 2d have in their Great Seals. But this *Henry* in his Coins is Crown'd like *Henry* the 1ſt. The Son of *Henry* the 2d (which by ſome was call'd *Henry* the 3d, *vid. Matt. Paris. Pag.* 163. whence our Ordinary *Henry* the 3d, is alſo ſometimes *Henry* the 4th) being Crown'd in his Father's Life, as alſo *Richard* the 1ſt have exactly the ſame Form in their Great Seals. But King *John*'s Crown, as his Great Seal ſhews it, is only pointed with ſhort Rays inſtead of Flowers.

His Son King *Henry* the 3d wears in his 1ſt Seal a Crown *Fleury* Pointed or Ray'd, and the Points or Rays are raiſed, but not high between the Flowers. His 2d Seal hath the like, ſave only in that the Points or Rays are wanting, as they are alſo in that which is on his Tomb-Statue of Braſs at *Weſtminſter*. But in *Matthew Paris* we read that *Henry* the 3d was at firſt Crown'd with a *Circulus Aureus*.

The like to this laſt of *Henry* the 3d, is that of King *Edward* the 1ſt, as well on his Coins, as in his Seal ; ſo hath his Wife Queen *Eleanor*, on her Tomb-Statue in Braſs at *Weſtminſter*. So hath his Son *Edward* the 2d. So *Edward* the 3d both in his Coins and in his Seal, as well in that made at the beginning of his Reign, as in that

which

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which he us'd after he had the Title of *France.* The Faſhion of King *Richard* the 2d's, *Henry* the 4th's, *Henry* the 5th's is not otherwiſe, altho' I have read ſomewhere (as I remember in a Book of the *Inſtitution of the Garter*, written under *Henry* the 8th) that *Henry* the 5th firſt made him an Imperial Crown.

Some others have attributed (*Fr. Thinne in MS. diatriba de Inſignijs. Rob. Comiti Sarisbur. olim dicat.*) the firſt Uſe of it to King *Edward* the 3d, at leaſt they ſay over his Arms it was firſt Painted, and they give a Reaſon for it, becauſe he was made Vicar General thro' the Empire, by the Emperor *Lewis* of *Baviere* (*Tho. Walſingham* in *Edward* the 3d, *Anno* 1338).

But neither doth King *Henry* the 6th in his Great Seal differ from that of *Henry* the 5th. But in ſome of his Coins, it is both *Fleury* and Arch'd with a Globe and Croſs on the Arch, almoſt like the Imperial Crown of *England* worn at this Day. The like Form is on *Edward* the 4th in his Great Seal, ſaving that pearl Rays riſe between the Flowers under the Arch; yet alſo ſome of his Coins have three Crowns, one over another, (but not on his Head) which are Fleury with Croſſes between the Flowers, and not Arch'd: The three were for his three Dominions, *England*, *France*, and *Ireland.*

King *Edward* the 5th, and *Richard* the 3d, in their Great Seals are both Crown'd with Crowns Fleury, having Croſſes between the Flowers and Arch'd as the wearing is at this Day, with the Globe and Croſs on the Arch, which Form hath ever ſince continu'd. But I have ſeen ſeveral Copies of the *Ordo Coronationis* of the Kings and Queens of *England*, written much antienter than *Henry* the 6th; and in them the King ſitting in his Throne, and Crown'd with the Crown *Fleury*, not without an Arch, having a Globe or Mound with the Croſs on the top of it. And the Draughts ſeem as old as the Copies.

For the more exact Faſhion of thoſe old *Fleury* Crowns without Arches, worn by the Kings and Queens of *England* in ſome of the former Ages; you may eaſily and beſt obſerve it on their Statues both in *Weſtminſter-Hall*, and on the Front of it. They were ſet there under *Richard* the 2d. Thoſe upon the Kings, that are fix'd on the Walls of *Henry* the 7th's Chappel at *Weſtminſter*, were, according to the

Fancy of the Workman made (as I think) all alike, and only *Fleury* with Croſſes: And tho' the Arch'd Crown was then in Uſe, yet it ſeems, the Arches were purpoſely omitted, as being too troubleſome, and not of Neceſſity requiſite. And the Cutter there choſe rather to make them handſomly and alike, than ſuch as were proper for every King (*Seld. Tit. Hon. Part* 1. *Chap.* 8. *Pag.* 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135. *Sect.* 2.)

(4) *Bracton Lib.* 2. *Cap.* 16.

(5) *Mir. Juſt. Pag.* 9.

(6) *Queen*) As *Cuning* was the Maſculine Name of chief Dignity, ſo was *Cuningina* in the old *Teutonick* Feminine; howbeit our Name of Queen is very antient, and was us'd of our *Saxon* Anceſtors, tho' ſomewhat differing in Orthography, for they wrote it *Cwen.* And as King is an abbreviation of *Cuning* or *Cyning*, ſo is *Cwen* now written Queen, an abbreviation of *Cuninginne* or *Cuningina. Quinde*, in the *Daniſh* Tongues is a Woman or a Wife, and ſo was antiently *Quena* (*Verſtegan's Reſtitution of Decay'd Intelligence*).

(7) *Stipulation*) The Sum whereof was wont to be propounded to the King in this manner, tho' in a different Language.

1. *Will you Grant and Keep and by your Oath confirm to the People of* England, *the Laws and Cuſtoms to them granted by the antient Kings of* England, *your Righteous and Godly Predeceſſors; and eſpecially to the Clergy and People, by the Glorious King St.* Edward *your Predeceſſor?*

The King's Anſwer.

I do them Grant and Promiſe.

2. *Will you keep to God and the Church, and the Clergy, and the People, Peace and Concord ſincerely according to your Power?*

The King's Anſwer.

I will do it.

3. *Do you grant to Hold and Keep the Laws and Rightful Cuſtoms, which the Commonalty of your Realm ſhall have choſen, and to Maintain and Enforce them to the Honour of God after your Power?*

The King's Anſwer.

I this do Grant and Promiſe.

In few Words, King *Edward* the 2d promis'd to keep the Laws already made, the Peace of his Kingdom, and the Laws to be agreed upon by the Commonalty; the ſame in Subſtance with that of *Henry* the 1ſt, *William* the 1ſt, the *Daniſh* and *Saxon* Kings formerly had: And thus is the King led to the Throne in a Chain of Gold, a ſerious Memorial of the King's Duty, as he is a Man; and a glorious Ornament to him, as a King. (*Bacon.*)

The Author of the State Tracts ſaith (*Vol.* 1. *Pag.* 335.) That tho' the King comes to the Crown by ordinary way of Inheritance, yet his Authority is wont to be Confirm'd by Aſſent of the People.

As at the Coronation of the King, the Arch-biſhop who Crowns him, does according to antient Cuſtom, before he actually performs that Ceremony, go to the four Quarters of the Rails (*Eaſt*, *Weſt*, *North*, and *South*) that encompaſs the Place of Coronation, and asks the People, whether they will acknowledge the King then to be Crown'd, for their King, and be Subject to him (or to that Effect) ſetting forth at the ſame time his Title by Succeſſion from his Royal Progenitors; the Earl Marſhal going before the Arch-biſhop to each of the four Quarters, and the King turning round four times, and ſhewing himſelf to the People upon every Interrogation; and thereupon the *Yea, Yea, God Save the King*, which is plainly to demand and receive from the People a Conſent to his Inveſtiture with the Royal Dignity.

So alſo the Aſſiſtance that all the Nobility (both Spiritual and Temporal) are to give at the Coronation by their Preſence and Attendance; as it implies a Conſent, ſo it is a Token

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a Token that their Conſent is eſteem'd of conſiderable Weight.

And to ſpeak freely, the whole Solemnity of the Coronation appears to carry in it evident Marks of Conſent and Stipulation. (*Stat. Tracts.*)

(8) *Not Supra Totum*) And if at any time he skipp'd higher, he afterwards fell lower; for it was the Lot of theſe times (*Temp. Ed.* 2.) to have Lords, that were bent to work the People to regard their own Liberties, in which the Lords had firſt wrap'd up their own Claims. (*Bacon*).

(1) Prince.]

Amongſt the Nobility or Peers of the Kingdom, the Prince (1) is the Chief, being the King's Eldeſt Son, or Heir Apparent of the Kingdom, of long time grac'd with the Title of the Prince of *Wales* (2): And as he amongſt the *Romans*, who was deſign'd for the Succeſſor was firſt call'd Prince of the Youth, and as Flattery prevail'd, afterwards *Cæſar* (3), Noble *Cæſar*, and moſt Noble *Cæſar*; ſo ours was by our *Saxon* Anceſtors term'd *Etheling*, *i. e.* Noble, and in *Latin Clyto*, from the *Greek* Κλυτὸς, Famous, that Age affecting the *Greek* Tongue (4). But the Name of *Clyto* I have before Obſerv'd to be given to the King's Children in general.

The

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(1) *Prince.*] For *Princeps* in *Latin*, whereof the *French* and we from them have taken our Modern Name of

Prince,

The Firſt who was call'd by the Name of the Prince of *Wales* (1), after the coming in of

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Prince, our Anceſtors us'd in their own Language the Name of *Furiſt* or *Furſt*, which anſwereth in Value unto *Princeps*, being as much as to ſay, a Firſt or Chief. The Princes Electors of the Empire are in the *Teutonick*, or *Duytſh* Tongue call'd *Keur vurſten*, *Keur* being to ſay Choice, and *Vurſten* inſtead of *Furſten*, or as antiently it was *Furiſtan.*

(2) *Wales*, *Wallia*, *North-Gales*, cometh from the *Saxon* Word *Wealh*, ſignifying *Peregrinus*, or *Exterus*; For the *Saxons* ſo call'd them, becauſe in truth they were Strangers to them, being the remains of the old and antient *Britons*, a Wiſe and Warlike Nation, inhabiting in the *Weſt* part of *England.* Theſe Men have kept their proper Language for above theſe 1000 Years paſt, and to this Day call us *Engliſhmen* : *Saiſons*, *i. e. Saxons* (*Co. Inſt.* 1. *fo.* 175.) Note, that tho' *Coke* was one of the beſt Lawyers, yet he was one of the worſt Etymologiſts. *Verſtegan* (whoſe unerring Judgment in this matter may be relied upon) tells us in his *Reſtitution of Decay'd Intelligence*, that this Country (call'd by the Natives *Zambre*, in *Latin Cambra*, or *Cambro Britannia*) got the Name of *Wales* among us from the *Saxon Wallis*, who conſidering the *Welch* or *Britons*, as deſcended from the antient *Gauls*, might call it ſo inſtead of *Gallis*, it being uſual with the *Germans* to uſe in ſome Caſes a *W*, where the *French* uſe a G or *Gu*, as in the Words *Warden* and *Warre* in *French Gardien* and *Guerre.* And that which makes the thing moſt probable is, that *Wales* is to this Day call'd by the *French*, *Galles*, or *le pais de Galles.*

(3) *Cæſar.*] After the Imperial Line fail'd in the *Julian* Family, thoſe who were deſign'd to Succeed in the Empire, were call'd *Cæſars*, which is much of the ſame with that of King of the *Romans* at preſent.

(4) *Camb. Brit. Pag.* 171. *Edit. ult.* (1) *Prince*

of the *Normans*, was *Edward*, the eldeſt Son of *Henry* the 3d; who (his Father *Henry* being Dead, and having Vanquiſh'd *Leolin*) was the firſt that United the Principality of *Wales* to the Kingdom of *England*; to whom alſo *John* the *Scot*, Earl of *Cheſter*, being Dead without Iſſue Male (other Lands and Revenues being aſſign'd to the Siſters of the aforeſaid Earl) the King his Father had given the ſame County. But the firſt *Engliſh* Prince of *Wales* was *Edward* the 2d, Born at *Carnarvan*, before whom the King's eldeſt Son was always ſtyl'd Lord Prince. At length King *Edward* the 3d (2), gave to *Edward* his eldeſt Son (a moſt famous and renowned Warriour) then Prince of *Wales* and Earl of *Cheſter*, the County of *Cornwal* alſo, which he had then made a Dukedom: And ſo it came to paſs, that afterwards our King's eldeſt Sons or Heirs, were by the King's Royal Charter, with great Solemnity in full Parliaments, Created Princes of *Wales*, and Earls of *Cheſter* (with the County of *Flint* (3) which belongeth to the Dignity of the Sword of the County of *Cheſter*) but are call'd Dukes of *Cornwal* even from the firſt hour of their Nativity. And as the Heirs (4) Apparent of the *Roman* Empire (as I but juſt now noted call'd *Cæſars*, of the *Grecians*, *Deſpotæ*, Lords; thoſe of the Kingdom of *France*, *Dauphines*, and of *Spain*, *Infantes*; ſo thoſe of *England* have been ſince that time ſtyl'd Princes of *Wales*.

They who are accounted of the Nobility after the Princes of *Wales*, are call'd by us Dukes, Marqueſſes, Earls, Viſcounts and Barons; above whom, if I ſhall alſo place the moſt famous Fellowſhip of Knights, of that which with us is far the moſt Honourable Order, taking its Name of the Garter; I ſhall not perhaps ſeem to have done amiſs; ſince it maketh Knights, and ſometimes thoſe of the leſſer Nobility (excelling others in Virtue and Valour) almoſt equal not only to Noblemen at home with us, but even to Kings and Emperors abroad: But of them I am to ſpeak elſewhere apart.

That

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(1) Prince of *Wales*] What Account the learned and judicious *Selden* gives of this Title, take it in his own Words, *viz.* Whence the Title of Prince of *Wales* was firſt transferr'd to the Sons and Heirs apparent of *England*, is well enough known, but not ſo clearly when it began in them. It was transferr'd from thoſe Princes of *Wales* (of *North-Wales* eſpecially) that, in the elder Times being *Welch*, held the Country under the Kings of *England* by the Name of Princes; neither was their any other beſides

them to whom the peculiar Title of Prince was attributed, as it is a ſubordinate Dignity. *Princeps Walliæ & Dominus Snowdoniæ*, was their uſual Title, as we ſee eſpecially in the ſtile of *Llewellin ap Griffith*, under King *Edward* the 1ſt (*Regiſtr. MS. Jo. Peckam. Arch-Cant. circa extrem.* And the Hiſtory of *Wales Pag.* 340.) But it is obſervable, that in the Articles of Peace made between this *Llewellin* and King *Edward* the 1ſt, in 1277 (when the Title of Prince was to be left whole to him, but the moſt of the Territories were to be made ſubject to the King) He had the Homages or Seigniories of 5 Baronies about *Snowden* reſerv'd to him; as if the having ſome Barons under him had been ſo neceſſary, or at leaſt ſo convenient, that otherwiſe he could not well have retain'd the Title of Prince (*Tho. Walſingham ſub. Anno.* 1278.) But ſome place the beginning of this Title in the Heirs apparent of *England* in the 39 of *Henry* the 3d. So *Polydore*, *Edwardus Regis Filius* (ſaith he) *ut maturius ad res gerendas graviores expertus redderetur, fit Walliæ Princeps, ſimulq; Aquitaniæ ac Hiberniæ Præfectus; unde natum, ut deinceps unuſquiſq; Rex hoc ſeculo inſtitutum Filium majorem natu Walliæ Principem facere conſueverit.* So ſome other of our modern Writers. And thence the *Spaniards* alſo Note, that the beginning of the Title of *Principe de las Aſturias* with them, was in Imitation of this, and upon a like occaſion there, as the beginning of this was in *England*; and as that began in *Caſtile* upon a Marriage with an *Engliſh* Lady, ſo this in *England* upon the Marriage of *Edward* (afterwards *Edward* the 1ſt) and the Lady *Eleanor*, Daughter to *Alphonſo* the 10th of *Caſtile*. But altho' *Wales* was given by the Words of *una cum Conqueſtu Noſtræ Walliæ* (*vid. Pat.* 38.*Henry 3d. Vaſc. Membr.* 8. *N.* 25. & *Floril. Ann* 1254 *Item. Mat. Paris. fo.* 1187. *Edit. Londini*) as *Gaſcoine*, *Ireland*, and ſome other Territories recited in the Charter, to this Prince *Edward*, by *Henry* the 3d: yet I find no Warrant, that therefore the ſpecial Title of Prince of *Wales*, as it belongs to the Son and Heir apparent began in him.

Others place the beginning of this Title in *Edward*, Son and Heir to *Edward* the 1ſt, upon that known Story (*Hiſtory of* Wales. *Pag.* 376.) of the King's ſending for Queen *Eleanor*, being with Child, out of *England*, to be

deliver'd

delivered at *Carnarvan* Caſtle. After ſhe was deliver'd he engag'd himſelf(they ſay) to the *Welch*, that they ſhould have a Prince, moſt free from all kind of Blemiſh on his Honour,and one that could not ſpeak one Word of *Engliſh*, meaning this young Prince. And it is true indeed, that this *Edward*, Son and Heir apparent of *Edward* the 1ſt, was afterwards ſtil'd Prince of *Wales*, as we ſee in the Writs of Summons to him to the Parliaments of the latter times of his Father. The Direction to him is, *Edwardo Principi Walliæ & Comiti Ceſtriæ Filio ſuo Chariſſimo (Dors. Claus.* 30 *Ed.* 1. *Mem.* 12 & 7. 32 *Ed.* 1. *Membr.* 2. &c.) But the firſt Charter of Creation that I have ſeen, is, that of King *Edward* the 3d, to his Son and Heir apparent, *Edward* Duke of *Cornwal*, about 6 Years after he was made Duke. The Charter hath alſo the chief Particulars of the Rites of Inveſtiture, which were the Crownet, or Ring of Gold, and the Rod of Silver; and with theſe he was Inveſted *juxta morem*, as the Words are, as if, before that Time, ſuch as were Princes of *Wales* had uſually receiv'd their Principalities by like Inveſtiture. (*Rot. Cart.* 17. *Ed.* 3. *Numb.* 27.) Writs alſo under the Great Seal Dated the Day following, were ſent to *Richard* Earl of *Arundel*, Juſtice of *North-Wales*, *Gilbert* Lord *Talbot*, Juſtice of *South-Wales*, and others, to give him *Seiſin* of the Principality; to divers alſo that had Poſſeſſions in Wales, commanding them, *quod eidem Principi tanquam Domino ſuo de Homagijs & Servitijs ſuis, ac Omnibus Alijs ad Principatum, Dominia Civitatis, comitatus, caſtra & alia, terras & Tenementa prædicta ſpectantibus, intendentes ſint & reſpondentes.* Since this Patent, this Title (which according to the limitation, after the Death of any Prince Created, is preſerv'd in the Crown, until a new Creation) hath been almoſt to all the Sons and Heirs apparent ſince that time, as alſo it was to *Richard* of *Bourdeaux*, Son and Heir to the Black Prince. But the Creations have been with ſome Difference, both in the Inveſtiture, and in the Patents alſo, from that firſt Form. Sometimes the Title of Duke of *Cornwal*, and Earl of *Cheſter* are given with it, by the ſame Patent and Inveſtiture; the Rod being of Gold, as in that whereby *Henry* the 4th Created his Son Prince *Henry*. But ſince that, the Earldom of *Cheſter* only is uſually joyn'd with it in the Patent (and it hath been reſolv'd, *Coke Rep.* 8. *le Princes Caſe, and le Caſe de Dutche de Cornovaile.* London 1613, that there needs no new Creation to the Son and Heir apparent of the other Title of Duke of *Cornwal*, to which he is Born Heir) as in thoſe whereby *Henry* the 6th (*Rot. Parl.* 31. *H.* 6. *Num.* 48.) *Edward* the 4th (*Cart.* 11. *Ed.* 4 *N.* 14 & 15.) and *Henry* the 7th Created their Sons Princes, and in other of the elder times, as alſo in that of King *James* to Prince *Henry*, by which he Created him Prince of *Wales*, and Earl of *Cheſter* in Parliament (*Pat.* 8. *Jacobi Regis. Part* 9. *Num.* 17.) giving him *Nomen, Stilum, Titulum, Statum, Dignitatem & Honorem Principatus & Comitatus Eorundem*, and Inveſting him (*ut ibidem præficiendo præſideat & præſidendo dictas partes dirigat & defendat*) *per Cincturam Gladij traditionem & poſitionem ſerti in Capite, & Annuli aurei in Digito, nec non virgæ aureæ in Manu, ut Moris eſt, habendum ſibi & Hæredibus ſuis Regibus Angliæ in perpetuum.*

The Earldom of *Cheſter* was once alſo a Principality, erected into the Title by Parliament in 21. R. 2. (*Cap.* 9.) wherein it was alſo ordain'd, that it ſhould be given only to the King's Eldeſt Son. But that whole Parliament was repeal'd by the 1ſt of *Henry* the 4th. (*Cap.* 3.) Altho' the Earldom hath uſually been ſince given with the Principality of *Wales*. Beſides the Title of Duke of *Cornwal*, and Earl of *Cheſter* in *England*; The Titles of Duke of *Aquitain*, and Earl of *Ponthieu* (*Pat.* 19. *Ed.* 2. *Part* 1. *M.* 25.) and *Monſtroile* (*ibidem*) and Duke of *Normandy* in *France* (*Polydore* in *Hen.* 1.) have been at ſeveral times before that Creation of the Black Prince into the Title of Prince of *Wales*, ſettled on ſome of the Sons and Heirs apparent, who were ſtyl'd alſo by the Title of *Filius Regis Primogenitus*, which they had only when none of the other Titles were fix'd on them, as they have had it alſo with their other Titles in the latter and preſent Ages. (*Tit. Hon. Part* 2. *Cap.* 5. *Pag.* 493, 494 in Part, 497 almoſt per Tot. 498 in Part. *Sect.* 1.)

(2) *Edward* the 3d.) The Scepter being caſt away, or loſt by *Edward* the 2d, it was the Lot of his Son *Edward* the 2d, a Youth of 15 Years of Age, to take it up; he knowing whoſe it was, and feeling it too heavy for him,

was willing enough it ſhould return; but being overſway'd by Counſels, drawn from Reaſons of State, and preſs'd thereto by thoſe that reſolv'd not to truſt his Father any more, he wiſely Choſe to Manage it himſelf, rather than to adventure it in another Hand; but that is not all, for as it's never ſeen that the Crown doth thrive after Divorce from the Sceptre, but like a blaſted Bloſſom falls off at the next Gale of Adverſity; ſuch was the Iſſue to *Edward* the 2d, his Power once gone, his Honour followeth ſoon after, he had ceas'd to be King, and in a ſmall time did ceaſe to be *Edward*. His Son, thus made Compleat by his Father's Spoil, had the Honour to be the Repairer of the Ruins that his Father had made, and was a Prince which you might think by his Story, to be ſeldom at Home, and by his Laws ſeldom Abroad; nor can it be reconcil'd without Wonder, that Providence ſhould at once beſtow upon *England*, a courageous People, brave Captains, wiſe Council, and a King, that had the Endowments of them all; otherwiſe it had outreach'd Conceit itſelf, that this ſmall Iſland, waſted by the Barons Wars, the People beaten out of Heart by all Enemies, in the time of the Father, ſhould nevertheleſs in the time of the Son, with Honour wade through ſo many Difficulties of mighty Wars on every ſide Abroad, and devouring Peſtilence at Home; and yet lay a Plat-form of an Opulent, Wiſe and Peaceable Government, for future Generations; yet he had his Failings and Miſfortunes, a great Part whereof may be attributed to Infirmity of Age, which in the firſt part of his Reign was too little, and in the latter part too much.

True it is, that Governors of the Perſons of Kings, may in ſome meaſure ſupply the Defects of Nonage, but ſeldom where the Governors are many, and never if they be Ambitious; and it was this King's Fate to miſcarry in both, for he had in his Youth 12 Governors by Conſtitution, and of them 2 ſupream by Uſurpation; *viz.* the Queen and *Mortimer*, till they were both conſum'd in the Flame, which themſelves had kindled. and this Diſparity wrought ſomewhat unſucceſsfully in the King's firſt War: For the Generoſity of his Spirit (himſelf being Young and Active) minded his Council to adviſe him Employment in a Foreign War, rather than they would adventure its Motion at Home, leſt it might prove Circular, which is moſt Dangerous for Government, if the Prince be not under Command himſelf.

This firſt War was with *Scotland*, whoſe Power was inferior to that of *France*; the King Young, and the Danger nearer, and therefore tho' the laſt Affront was from *France*, and that more freſh in Memory and more Poinant, yet the King was adviſ'd to give Place and ſpeak Fair, till he had tried Maſteries with *Scotland*, and thereby ſecured his Rear: This he wiſely hearkened unto, and met with ſuch a ſucceſsful turn of Providence, that like an O yes before a Proclamation, gives Warning to *Scotland*, that the Wheel is turn'd upon them; and that there is ſomewhat more than human Motion in the matter, that exaſperates the *Engliſh* upon an Enterprize, ſo often croſs'd by Providence hitherto, and the King alſo (being but a Soldier in Hope as yet) to dare againſt thoſe that had ſo ſhamefully foil'd his Father, and alſo put himſelf already once to the Retreat; and yet there did concur a kind of Neceſſity of 2d Cauſes; for the King found the Crown engag'd, and the Minds of the *Scots* ſo elate, as the *Engliſh* Man's Caſe was not to Live to Fight, but to Fight to Live; and ſo imbitter'd againſt one another by the fierce Wars under the Barons, that nothing could quench the Fire, but the withdrawing of the Brands into Foreign Actions, like ſome angry Spirits that ſpoil their own Bodies, unleſs they can Chide or Fight it out with others.

In the firſt Brunt with *Scotland* the King gain'd nothing but underſtanding of the Humours of ſome of his Great Lords, which once purg'd out, he renews the War, prevails, and after 10 Years ſtir (wherein he became a train'd Soldier againſt the *Scots*) he won the Croſs, and then goes to play his Prize in *France*, to compleat his Crown with the *Flower de lis*; which was the great Work of the reſt of his Reign, in which 4 parts of 5 were Victorious; the 5th and laſt was declining, like ſome Gameſters, that win at the firſt, and for want of Obſervation of the turning of the Dice, come off loſers at the end. For the King being rather Satiated than Satisfied with Victory and Honour, return'd Home to enjoy what he had, leaving his Son, the Black Prince, to purſue the War, and to act the Soldiers alone, who now began to honour his Valour above his Father's. But the Tide is ſpent, the Prince of Chivalry dies, the brave Commanders waſted, and the *French* too fickle to continue Subject to the *Engliſh* longer than needs muſt, tack about for another Adventure, and make it plain, that *France* is too big to be Gariſon'd by *England*, and that it will coſt *England* more to hold it, than to have it.

As to the Religion of this King, it was more to the purpoſe than of any of his Predeceſſors, ſince the *Norman* Times: He reflected upon God in Common Events, more ordinarily than the general Stream of the Clergy did in thoſe Days (*Antiq. Brit.*) he lov'd, if not ador'd Devout Men and their Prayers, and yet intentively diſclaim'd Opinion of Merits in the Creature. He ſaw the Pope thro' and through, loved him but little, fear'd him leſs, and yet loſt neither Honour nor Power thereby: His chief Policy at Home, was, to be much at Home, great with his People, and they great with him; what the Parliament did he accounted well done; he never queſtion'd their Power, tho' he was over-reach'd in queſtioning their Wiſdom; for he that ſhall prefer his own Wiſdom above that of the Parliament, muſt needs think himſelf extreamly Wiſe, and ſo much the more, to know himſelf to be ſuch. But the worſt of his Fate was, to live to his Winter Age, and after 50 Years Reign, or more, to Die in his Minority, under the rule of a Woman, of none of the beſt Fame, after he had ſo long enjoy'd the Honour of greateſt Note in the Chriſtian World, in his Days. (*Bacon*'s *Hiſtory of* England, *Part the 2d.*)

(3) *Flint.*] The County of *Flint*, or *Flintſhire*, is a Maritime County of *North-Wales*, ſo call'd from *Flint*, the chief Place thereof: It borders *Northward* upon the *Iriſh* Sea, *Southward* on *Shropſhire*, *Eaſtward* upon *Cheſhire*, and *Weſtward* upon *Denbighſhire*; in length from *Eaſt* to *Weſt*, not above 24 Miles, in breadth from *North* to *South* 8. The whole divided into 5 Hundreds, wherein are 21 Pariſhes, and but 2 Market-Towns, antiently Inhabited by the *Ordovices*, who were poſſeſs'd of *North-Wales*, and now in the Dioceſs of St. *Aſaph*. This is the ſmalleſt County of all *Wales*, but one of the Fruitfulleſt; for as it is nothing near ſo Mountanious as the other Parts, ſo it brings forth plenty of Corn and Graſs, as alſo great

ſtore of Cattle; 'tis true they be but ſmall, but that Defect is abundantly ſupplied by their Numbers; it was formerly reckon'd a Part of the County-Palatine of *Cheſter*, paying 2000 Marks (call'd a *Mize*) at the Change of every Earl of *Cheſter*, till 1568. When upon Occaſion of one *Tho. Radford*, committed to Priſon by the Chamberlain of *Cheſter*, it disjoyn'd it ſelf from the Palatinate, and united with the Principality of *Wales*.

(4) *Vid. Camb. Brit. p.* 172.

(1) Dukedom.]

That alſo theſe Noblemen were Originally Generals and Leaders of Armies, or Governors of Countries, I have before declar'd; but afterwards, as it pleas'd the Emperors, this Nobility was given for Term of Life, and at length ſtrengthen'd with Lands and Fees, was made a certain Hereditary Perpetuity: And ſo a Duke, who in antient Time was (in a manner) the Conſtable of the Kingdom, and whoſe chief Service was to Lead and Conduct the King's Army in time of War, being grac'd with Fees, and once Authoriz'd by the King became an Hereditary Title. Our Kings Deſcended of the *Norman* Blood, ſo long as they themſelves were Dukes of *Normandy* grac'd no Man with this Title of a Duke till *Edward* the 3d, who firſt of all, as is aforeſaid, exalted the County of *Cornwal* into a Dukedom (1) after the Example whereof many Hereditary Dukes were alſo by our Kings Created, tho' there be none ſuch with us at this Day.

Next to Dukes in Order follow Marqueſſes, who in antient time were call'd Governors (or Wardens) of the Borders or Marches. A Marqueſs (ſaith *Cambden*) (2), is (according to the import of the Word) one ſet to Guard the Limits; a Title to us before the time of *Richard* the 2d (3) utterly unknown, who in the 10th Year of his Reign by Royal Charter firſt Created (4) *Robert Vere*, Earl of *Oxford* (his Minion) Marqueſs of *Dublin*, the Metropolitical City of *Ireland*; by which Example many others afterwards obtain'd the like Creation by Inheritance,

Concerning

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(1) Dukedom.] The 2d Duke in *England* after the Conqueſt, was *Henry* Duke of *Lancaſter*, who died of the Plague, 35 *Edward* the 3d, *Co. Inſtit.* 4. *Pag.* 104. He was the firſt Duke of *Lancaſter*.

(2) (*Camb. Brit. Pag.* 173.)

(2) *Cambden (William)* One of the moſt Learned and Illuſtrious Men of his Age, who was Born in the *Old-Bayly* in *London*, *May* 2, 1551 (according to his own Diary) of a Family not very conſiderable. His Father (*Sampſon Cambden*, a Native of *Litchfield*, in *Staffordſhire*) came to ſettle in *London*, where he liv'd as a Painter. He left but a ſmall matter behind him at his Death, inſomuch

that his Son, then very young, was kept in the Orphans Hoſpital. *Cambden* in the Height of his Proſperity was ſo far from concealing the Obſcurity of his Family, that he left by his Will to the Company of *Painters* a Vermilion Cup, made uſe of by the Company at their Publick Feaſts at this very Day. By his Mother's ſide he was related to the antient Family of the *Curwens* of *Wirkington* in *Cumberland*, deſcended from *Goſpatrick*, Earl of *Northumberland*. At the Age of 15, he went to *Magdalen* College in *Oxford*, as Choriſter or Servitor, from whence he remov'd to *Pembroke* College, and at laſt to *Chriſt*-Church. He ſtay'd at *Oxford* 5 Years without any Degree, and from thence return'd to *London* in 1571. where, among other Patrons he met with *Gabriel* and *Geoffry Goodman* (2 Brothers) who well knowing *Cambden*'s Parts, contributed not a little to their Improvement. One of them (*Gabriel*) Dean of *Weſtminſter*, made him 2d Maſter of the School, which Queen *Elizabeth* had Founded in the Church, He anſwer'd exactly all the Duties of that Employ, buſying himſelf in the interim, in more exalted Studies; being naturally inclin'd to a Search after the Antiquities of his own Country; he applied himſelf wholly to the Compoſing a particular Deſcription thereof, which after 10 Years Labours he Compleated and Publiſh'd at *London* in 1586, under the Title of his *Britannia*; and under the Patronage of that Eminent Stateſman (truly Eminent for his Countrey's Good) *William Cecil*, Lord *Burghley*, Treaſurer to Queen *Elizabeth*; a Work which anſwer'd the Expectation of the Learned World, and Sold ſo well, that it was re-printed the Year following, and beſides the *German* Editions, it ran thro' thoſe of *England* of 1590, 1594, 1600, and 1607. It grew better from every Edition. That of 1600 was Dedicated to Queen *Elizabeth*; and tho' it ſurpaſs'd the foregoing ones, it was even yet much Inferiour to that of 1607. Here *Cambden* out-did himſelf, and deſervedly got the Character of the *Britiſh Varro*, *Strabo*, and *Pauſanias*. This laſt Edition was attended with Maps and Cuts, and Printed in Folio; the three firſt were in Octavo; the two following in Quarto. This Work was abridg'd by *Reinier Vitellius* of *Zuric-zee*, and Tranſlated into *Engliſh* by *Philemon Holland*, an *Engliſh* Phyſician. There is alſo a Book in Folio, Printed at *London* in 1695, and Entitul'd, *Cambden's Britannia*, newly Tranſlated into *Engliſh* with large Additions and Improvements Publiſhed by *Edmund Gibſon* of Queen's College in *Oxford*, but done by ſeveral Hands, free from any Foreign Additions, with which Dr. *Holland's* Tranſlation was ſtuff'd; having the Life of *Cambden* prefix'd, and ſeveral other things, which extreamly ſet off this new Tranſlation. He was made Prebendary of *Saliſbury* in 1588. In 1593, he was head Maſter of *Weſtminſter* School in Dr. *Edward Grant's* Place. In 1597, he Publiſh'd his *Greek* Grammar, receiv'd not only in that School, but throughout all *England*. The ſame Year he ſucceeded *Richard Leigh*, Eſq; *Clarencieux*, King at Arms. This Dignity expos'd him to the fury of a Man (*Ralph Brook*, *York*-Herald at Arms) who thinking he deſerv'd it, and not doubting but it would be conferr'd upon him, thought himſelf Affronted, in that it was beſtow'd in Favour of another. To eaſe his Spirit, and to revenge the Wrong, he pretended was done him; he after two Years ſtrict Examination of *Camden's Britannia*, Publiſhed (without Licenſe, and without naming Bookſeller or Printer) Criticiſms upon it, full of Paſſion and Bitterneſs. *Cambden* anſwer'd him with his uſual Moderation, vindicated himſelf Learnedly, and prov'd his Adverſary guilty of the groſſeſt Errors. This done, he made an Enquiry after the ancient Hiſtorians of his own Nation, Collected many of them, and had them Printed in *Germany*, in 1603. In 1615, he Publiſhed his Annals of Queen *Elizabeth*, which he had undertaken at the Requeſt of *William Cecil*: A Work which procur'd him as much Reputation, as his *Britania*: The Continuation of theſe Annals, which he finiſh'd about the Year 1617, did not appear abroad till after his Death. The whole Work was Tranſlated into *French* by *Paul Belligent*, Advocate of the Parliament of *Paris*. It was likewiſe Tranſlated into *Engliſh*. In 1622 he Founded the Hiſtory Lecture of the Univerſity, to which he gave the Mannor of *Boxley* in *Kent*. Thus having liv'd many Years in Honour and Eſteem, he died *Nov.* 9. 1623, at his Country-Houſe, 10 Miles from *London*, Aged 74 Years. He ordered by his Will to be Buried where he Dy'd, which his Executors did not fulfil; for they Buried him with great Pomp in *Weſtminſter* Abbey.

Amongſt ſeveral other Terminations of the Sir-names of our antient Families, *Verſtegan* giveth the Termination *Dene*, or *Den*, a Place; his Words are theſe *(viz.)* It need not ſeem ſtrange (ſince it is divers times found) that in one Language there are ſeveral Names for one thing; as here in ours for preſent Example, *Dene*, or *Deane*, which for ſhortneſs is become *Den*, is all one with Dale; It is alſo otherwiſe a low Place; and we now uſe it for a Cave in the Earth, as the Den or lurking Place of Wild-Beaſts.

It is the Termination of ſundry of our Sur-names; as *(Exempli Gratia)* of *Cambden*, which I take antiently to have been *Campden*, and ſignifyeth the *Dene*, or *Dale*, belonging to ſome *Cemp* or *Camp*-Fighter (for both is one) in our now us'd Language, call'd a Champion, but in the *Teutonick* a *Campion*. A *Campdene* may alſo have been ſome place appointed for *Campions*; *Cambat*-Fighters, or Men of Arms, to Encounter each other; and ſo the Place became afterwards to be the Sur-name of him, and his Family that own'd it, as others in like ſort have done. *Norden*, or rather *North-den*, is like ſo to have been call'd by reaſon of ſome oppoſite Place thereunto in the *South*, &c. (*Verſtegan.*)

(3) *Richard* the 2d, King of *England*, in 1378. He was Son of the Valiant *Edward*, call'd the Black Prince, and Grand-Son to the Victorious King *Edward* the 3d, but had neither his Wiſdom, nor good Fortune. He was miſled by his Favourite *Michael de la Pool*, and other Flatterers, and thereby incurr'd the Hatred of the People. *John Wall*, a Prieſt, *Wat. Tyler*, *Jack Straw*, and *Jack Shepherd*, rais'd a Rebellion againſt him, and march'd to *London* with 23000 Men, Murdering ſeveral great Men, and committing many horrid Miſchiefs; but it was happily ſuppreſs'd by the Mayor of *London*, Sir *William Walworth*, who ſtruck *Tyler* off his Horſe, whereby he was kill'd immediately, and 1500 of the Rebels were put to cruel Deaths, in ſeveral Parts of the Kingdom.

The King, after this, was perſuaded by his Minions to commit many illegal Actions, and had an inveterate Hatred againſt his Nobility, of whom he Executed divers, and Baniſh'd others, and among them his Couſin, *Henry* of *Bullingbrooke*,

Bullingbrooke, for his Freedom in deſiring Matters might be Reform'd, and ſiez'd his whole Eſtate. The King making a Voyage to *Ireland*, *Bullingbrooke* returns to *England*, and the People flock'd to him. The King reſigns his Crown to him, and is committed to *Ponfret*-Caſtle; and being there aſſaulted by 8 Villians; he kills 4 of them, and at length is ſlain himſelf.

(3) *Richard*) Of our antient Word (*Ryc.*) we yet retain our Word (Rich) as formerly hath been ſhew'd: Rich ſignifyeth Abundance, *Ric Hart* (for ſo antiently it is) is no other than *Rich-Heart*, *i. e.* an abundant, Plentiful, and liberal Mind: It is in *Germany* pronounc'd *Reich-Hart*; in the *Netherlands*, *Ricart*, or *Richard*; in *Italian* and *Spaniſh*, *Ricardo*; and in *Latin* it is written *Richardus*. (*Verſtegan.*)

(4) *Robert*) Antiently written *Rubericht*, is by Abbreviation become *Robert*; *Rou*, which is to be pronounc'd as *Roo* is our antient Word for Reſt, Repoſe, or Quietneſs. *Robert* then ſignifyeth diſpos'd or advis'd unto Reſt or Quietneſs. (*Id.*)

Concerning either the Etymology, or the Office of an Earl amongſt the Antients, I have elſewhere briefly ſaid ſomething; and ſhall therefore, for a more full, compleat, and exact Deſcription thereof, refer the Reader to thoſe Authors who have treated of the ſame more at large; and yet I muſt crave leave to ſpeak a Word or two more of theſe Earls before I give them a final adieu. Earls (1) (ſoftned a little from the *Daniſh* Word *Eorles*, *i. e.* Honourable Men) have always been with us both of greateſt Authority and Dignity, and of much greater Antiquity than either Marqueſſes or Dukes; for according to *Cambden* (2) *Tacitus* tells us we had them from our *German* Anceſtors: They had (ſaith he) always Earls, *Comites*, attending their Princes, to furniſh them with Counſel, and to gain them Authority. Others again are of Opinion, that both the *Franks* and we had them from the *Romans*. However it be, we may reſt ſatisfy'd that their Original is of very great Antiquity; nor is it any Let at all, but that an Earl may be call'd Earl of any County or Place, from whence he receiveth no Profit, nor therein holdeth any Juriſdiction. Indeed antient Charters declare them in old time to have been Freed-Men, and to have been rewarded with the third Penny of the Profit of that Province, whereof they were call'd Earls; and for one Inſtance amongſt many, take what follows, *viz.* *Maud* the Empreſs, Daughter and Heir to *Henry* the 1ſt, created an Earl by this Form of Words, as the Charter itſelf teſtifies. 'I *Maud*, Daughter of King *Henry*, and 'Governeſs of the *Engliſh*, do give and grant 'to *Gaufred de Magnavilla*, for his Service, 'and to his Heirs after him Hereditarily, the 'Earldom of *Eſſex*; and that he have the

' third Penny of the Sheriff's Court, iſſuing out of all Pleas, as an Earl ought to receive from his County in all things (3). And this is the antienteſt Charter that Mr. *Cambden* ever ſaw." But now the Cuſtom with us is, that the Titles of Earldom are conferr'd and beſtow'd according to the King's Pleaſure, without any Poſſeſſion of the Places at all; to whom the King, inſtead of the third Penny, is wont to appoint a certain Sum of Money to be Yearly receiv'd out of the Exchequer, or his Cuſtoms: Of which more at large hereafter.

Polydore

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(1) Earle] *Verſtegan*'s Derivation of the Word Earle is, *viz.* before we borrowed the Word Honour, we us'd inſtead thereof our own antient Word *Ear*; for Noble or Gentle we us'd *Ethel. Ethel* was ſometimes in Compoſition abridg'd to *El*; ſo as of *Ear-Ethel*, it came to be *Ear El*, and by Abbreviation Earle; it is as much as to ſay, as Honour-Noble, or Noble of Honour. The *Danes* wrote it *Eorle*, and we write it Earle, and now uſe it in the ſelf-ſame Senſe that *Comes* is chiefly us'd in *Latin*; Count in *French*; and *Grave* now in *Duytſh* or *Dutch*. Earl, according to *Lambert*, in his Explanation of *Saxon* Words, *Verbo Paganus*, is *Saxon*, and he interpreteth it *Satrapam*.

(2) *Camb. Brit. Pag.* 173.

(3) *Camb. Brit. Pag.* 174.

(1) *Camb.*

Polydore Virgil (1), as to this Cuſtom, declares alſo the matter right in theſe Words. ‘ It is a Cuſtom in *England* (ſaith he) that Titles from Counties ſhall be diſpos'd of at the ‘ Pleaſure of the Prince, even without the ‘ Poſſeſſion of ſuch Places from whence they ‘ derive their Title ’ ; upon which account the King uſually gives to ſuch as have no Poſſeſſions in the County, in lieu of that a certain Annual Penſion out of the Exchequer (2). The antient manner of their Creation was only *per Cincturam Gladij Comitatus*, without any formal Method of Creation. The firſt Hereditary Earl of *England* was *Hugh Lupus*, Son of the Viſcount *Averenches*, in *Normandy*, by his Wife *William* the Conqueror's Siſter, Created by his Uncle (the Conqueror) Earl of *Cheſter* ; and in the ſtyle of a Conqueror. *Totumq; hunc Comitatum tenendum ſibi & Hæredibus* (in Fee-Simple) *ita libere ad gladium, ſicut ipſe Rex tenebat Angliam ad Coronam dedit.* This *Lupus* did bear Azure, an Head of a Wolf eras'd Argent. To this Earldom is annex'd the County of *Flint* in *Wales*. 21 *Richard* the 2d. *Cap*. 9. *Coke* (3).

After

(1) *Camb. Brit. Pag.* 175.

(2) *Exchequer.*] This Court was erected by *William* (the Conqueror) and form'd by the Model of that in *Normandy*, ſet up by *Rollo*. It had its Name from the party-colour'd Cloth, which cover'd the Board, which the *French* call *Chequy*. The Authority of this Court was ſo great, that no Man might contradict a Sentence pronounc'd here. *Habet enim hoc commune cum ipſa Domini Regis curia, in qua Ipſe in propria Perſona jura diſcernit, quod nec Recordationi, nec ſententiæ in ea latæ, liceat alicui contradicere.* Thus *Garvaſe* of *Tilbury*, who was Nephew to King *Henry* the 2d, by whoſe Report 'tis evident, that the Court of Exchequer was then diſtinct from the Court where the King us'd to ſit in Perſon, and from whence there was no Appeal. In this Court not only the Affairs concerning all the Great Barons in *England*, and all ſuch Eſtates as held in *Capite*, were tranſacted, but many Rights and Priviledges were Debated, and many Points determin'd, which aroſe from incident Queſtions; the Buſineſs of the Exchequer conſiſting not only in Accounts, but in trial of Cauſes; for until the 28th of *Edward* the 1ſt, the Common Pleas were uſually held in this Court; it being then Enacted, that no Common Plea ſhould be henceforth held in the Exchequer, contrary to the tenor of *Magna Charta*. From the time of the Conqueſt down to the Reign abovemention'd, the great Barons of the Realm, both Eccleſiaſtical and Secular, were generally the only Judges of this Court; the chief juſticiary of *England* being Preſident; but afterwards inſtead of theſe, Eccleſiaſtical and Secular Barons, Canoniſts, and other inferior Lay-Perſons, Learned in the Laws, were admitted to the Board; who thereupon had the Name of Barons, becauſe they ſucceeded to, or ſate in the Places of thoſe who had really that Dignity (*Dugdale*'s *Origines juridiciales*. Brady's *Compleat Hiſtory of* England, *&c.*) *Coke Inſt.* 4. *Pag.* 211.

(3) *Coke.*] (Sir *Edward*) Son of *Robert Coke*, Gentleman, was born at *Milcham* in the County of *Norfolk*, in

the 16th Century. He had his firſt Education in *Trinity-College* in *Cambridge*, under the Tuition of Dr. *Whitgift*, (afterwards Archbiſhop of *Canterbury*) from whence he went to the *Inner-Temple*, where he made ſuch a Progreſs in the Common Law, that he grew eminent in his Profeſſion; was made Solicitor to Queen *Elizabeth* (of famous Memory,) and Speaker of the Houſe of Commons in the 25th Year of her Reign. He was alſo Attorney-General to the ſame Queen, and to King *James* the Firſt, (her Succeſſor) who advanced him to the High and Honourable Station of Lord Chief Juſtice of both Benches, ſucceſſively, and made him one of his Privy-Council. Loſing afterwards that King's Favour, and being thereupon diſcharg'd from the Office of Lord Chief Juſtice of the *King's-Bench*, he withdrew into the Country. Some Time after his Removal from the Bench, he was made High Sheriff of *Buckinghamſhire*: He died at *Stoke Pogis* in the Shire abovementioned, in the 83d Year of his Age. He raiſed a great Eſtate, poſſeſſed afterwards by a Gentleman of his Name in *Norfolk*, deſcended from him.

His Works are, *viz. The Inſtitutes of the Laws of* England, in four Parts, the firſt whereof hath a Title of, *A Commentary upon* Littleton, and gives him deſervedly the Name of another *Bartholus* or *Baldus* amongſt us. The 2d Part is, *An Expoſition upon many Ancient Laws and Statutes.* The 3d relates to *Pleas of the Crown and Criminal Cauſes.* The 4th treats, *Of the Juriſdiction of Courts.* All in Folio. The reſt of his Works are, *viz.* His Reports in 11 Parts, both in *French* and *Engliſh.* The 12th and 13th Part of his Reports was publiſhed in *Engliſh* ſince his Death, and a Book of Entries, in Folio.

(1) *Henry*

After the Earls, follow next in order the Viſcounts, call'd in *Latin*, *Vice-Comites*. This, as to the Office, is an antient Title, but as to the Dignity but Modern, ſince we had none of them

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them before the Time of *Henry* VI (1). for he in the eighteenth Year of his Reign, created *John de Bellamonte*, or *Beaumont*, a Viſcount: So that that which in antient Time was the Name of an Office, we now at this Day acknowledge to be a certain Name and Title of Dignity plac'd in the Middle betwixt an Earl and a Baron, as a Marqueſs, betwixt a Duke and an Earl. This Degree of Nobility hath Inveſtiture from the Kings themſelves with certain ſolemn Ceremonies, as the other Degrees of Nobility have.

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(1) *Henry* VI. But it is of much older Date in other Countries, (*Caſſan. in Gloria Mundi*, *Part.* 5. *Conſid.* 55. *Selden*'s *Tit. Hon.*) Now is the Time come that the Tide of *England*'s Glory muſt turn; and the ſudden Conqueſt in *France*, by *Henry* the 5th, not unlike the *Macedonian* Monarchy, muſt diſgorge it ſelf of what it had haſtily devour'd, but never could digeſt: Three Things concurred hereunto, one Dangerous, the other two Fatal to the flouriſhing Condition of any Nation. Firſt, the King is a Minor in the leaſt Degree, that ever any Prince ſat on *Engliſh* Throne. He entred thereinto, neither knowing what he did, nor where he was; and ſome ſay, he ſat therein in his Mother's Lap; for his Life had been more in the Womb, than abroad, a ſad Preſage of what followed; for many Men think, that he was in a Lap all his Days. Nor are the chief Men to be blamed herein; for it's a certain Truth, that it's much better that Election of a King ſhould be grounded upon a Title that is known, tho' it be by Deſcent of Inheritance, than upon none at all: For if a Child ſhould

ſucceed, or a Lunatick, yet where the Principle of Government reſteth upon the Repreſentative of the People, there is the leſs Cauſe of Complaint, the Government being ſtill the ſame, both for Strength, Wiſdom, and Uniformity; tho' it may be the Nation not ſo Active and Brave; for a Common-wealth can admit of no Minority, tho' a Monarchy by Deſcent may. Secondly, this Deficiency in Nature might have been ſupplied, but that theſe Times were unhappy in the great Power of the Lords, to pleaſe whom the Government is parcell'd out into two Shares: One is made Protector of the King's Perſon; the other of the Kingdom; too many by one; for let their Perſons be never ſo eminent for Abilities, if they be not as eminent for Humility, and Self-command, their Hearts will ſoon over-rule their Heads into a Faction; and therefore, tho' the Earl of *Warwick* was a wiſe Man, and the Duke of *Glouceſter* ſo too, yet the Earl of *Warwick* with the Duke of *Glouceſter* were not wiſe. On the other Side, the Protectorſhip of the King's Perſon being in the Duke of *Exeter*, and that of the Realm in the Duke of *Glouceſter*, Things ſucceeded paſſing well; for they both had one Publick Aim; and the Duke of *Exeter* could comply with the Spirit of the Duke of *Glouceſter*, who otherwiſe was not ſo pliant. But after five Years, the Duke of *Exeter* dying, and the Government of the King's Perſon devolving to the Earl of *Warwick*, who ſided with the Proud Cardinal of *Wincheſter*, againſt the Duke of *Glouceſter*, and ſo not only conſumed the reſt of the King's Nonage in a reſtleſs Diſturbance of Affairs, but alſo deſpoiled *H.* the 6th of the Spirit of a King for the Future, and ſo the Kingdom of a King: For it was not the Condition of *H.* the 6th, to be endowed with a Spirit to ſuch a Height, but might well have been led by Advice, and needed not the Earl of *Warwick*'s rugged Brow to overlook him, who was not content to have the King only Attendant upon his Advice, but muſt have him likewiſe under his Rod, to be corrected for his Faults; and that by a Commiſſion under the King's own Hand and Seal, dated in the 11th Year of the King's Reign; and ſo under Colour of curbing, he killed that Spirit in the King, which otherwiſe, doubtleſs, had both Mettle and Pride enough to act himſelf above his due Height, and could not have been ſo long a Child, and ſo little a Man as he was. It is very true, that *H.* the 5th by Will, ſeemed to countenance his Brothers, and it cannot be denied, but the Duke of *Glouceſter*, was of ſuch noble Parts, that they could hardly dilate in any Work inferiour to the Government of a Kingdom. Nevertheleſs, to yield much to the Will of a diſeaſed King in ſuch Caſes, is as ill a Precedent, as the making of a King by Adoption. And it had been better for the People to have adherred to the Duke of *Glouceſter* alone, than by joining him with another, bring into a Precedent ſuch a luxuriant Complement of State, as a Protectorſhip of a Kingdom, which is of ſuch little Uſe to a Common-wealth, and of ſo bitter Fruit to the Party, as muſt needs bring Repentance when it is to late: For he that can manage the Protectorſhip of a Realm without Anger of good Men, or Envy of bad, is fitting to live only with Angels, and too good for the World. Nor did the Duke of *Glouceſter* meet with better Meaſure, how wiſe ſoever he was, and truly devoted to the Good of the Realm: For after 24 Years Government, ſo wiſely and faithfully carried on by him, that Juſtice itſelf could not touch his Perſon; Injuſtice did; and he received this Reward from his Nephew *H.* the 6th, that he died in the Dark, becauſe the Cauſe durſt not endure the Light.

Now is *H.* the 6th perſwaded that he is of full Age; he had laid aſide his Guardian, the Duke of *Glouceſter*, but forgetting to ſue out his Livery, he betakes himſelf from the Grace of God, into the warm Sun, (as the Proverb is) changing the Advice of a faithful, experienced, wiſe Counſellor, for the Government of an imperious Woman, (his Queen) who allowed him no more of a King than the very Name, and that alſo ſhe abus'd to outface the World. And after ſhe had removed the Duke of *Glouceſter* out of the Way, undertook the Sway of the Kingdom in her own Perſon, being a Foreigner, neither knowing nor caring for other Law, than the Will of a Woman. Thus the Glory of the Houſe of *Lancaſter* goes down, and now a Star of the Houſe of *York* appears in the Riſing, and the People look to it. The Queen hereat becomes a Soldier, and begins the Civil Wars between the two Houſes, wherein (her *Engliſh* Party growing wiſe and weary,) She prays aid of *Ireland*, a Nation, that like unto Crows ever wait to prey upon the Infirmities of *England*. The Wars continue about ſixteen Years by Fits, wherein the firſt Loſs fell to the *Engliſh* Party, the Pretenſions being yet only for good Government. Then the Field is quiet for about four Years; after which the Clamour of ill Government revives, and together therewith a Claim to the Crown by the Houſe of *York* is avouch'd; thereupon the Wars grew hot for about four Years more, and then an Ebb of as long Quiet enſues: The Tide at laſt returns, and in two Years War ends the Quarrel, with the Death of 80 Princes of the Blood Royal, and of this good Man, but unhappy King; unhappy King, I ſay, that to purchaſe his Kingdom's Freedom from a foreign War, ſold himſelf to a Woman, and yet loſt his Bargain; and left it to Obſervation, that a conſcientious Man that marries for By-Regards, never thrives; for *France* eſpied their Advantage, they had maintain'd War with *England*, from the Death of *Henry* the 5th, with various Succeſs. The Duke of *Bedford* being Regent for the *Engliſh*, for the Space of fourteen Years, mightily ſuſtain'd the fainting Condition of the *Engliſh* Affairs in thoſe Parts; and having crowned his Maſter *Henry* the 6th in *Paris*, in the ninth Year died, leaving behind him an Honourable Witneſs, even from his Enemies, that he was a brave Commander, a true Patriot, a faithful Servant to his Lord and Brother *Henry* the 5th, and to his Son *Henry* the 6th. But now the Duke of *Bedford* is dead; and tho' the *French* had concluded a Peace with the *Engliſh*, yet they could not forget the Smart of their Rod, but concluded their Peace upon a Marriage, to be had with a Woman of their own Blood and Intereſt, and what they could not effect by Arms in their own Field, they did upon *Engliſh* Ground by a Feminine Spirit, which they ſent over into *England* to be their Queen; and in one Civil War (ſhedding more *Engliſh* Blood by the *Engliſh* Sword, than they could formerly do by all the Men of *France*,) were reveng'd upon *England* to the full, at the *Engliſh* Men's own Charge: for what the *Engliſh* gain by the Sword, is commonly loſt by Diſcourſe.

A Kingdom is never more befool'd, than in the Marriage of their King: If the Lady be great, ſhe is good enough, tho' as *Jezabel*, ſhe will not either Reverence her Huſband, obey her Lord and King, nor regard his People: And then was this Kingdom ſcourg'd by a Marriage for the Sin of the wiſe Men, that (building upon a falſe Foundation,) advis'd the King in the Breach of Contract with the Earl of *Arminac*'s Daughter: And thus the King alſo, for that hearkning to ſuch Council, murther'd the Duke of *Glouceſter*, (that had been to him a Father,) yielded up his Power to his Queen, (a Maſterleſs and proud Woman, that made him like a broken Idol without Uſe,) ſuffer'd a Recovery of his Crown and Scepter in the Parliament from his own Iſſue, to the Line of *York*: Then renewing the War (at his Queen's Beck) loſt what he had left of his Kingdom, Country and Liberty, and (like the King that forgot the Kindneſs of *Jehoiada*,) loſt his Life by the Hand of his Servant. (Bacon's *Hiſtorical Diſcourſe of the Uniformity of the Government of* England, *Part* 2.)

(1) *Free-*

Amongſt the greater Nobility, Barons have the next and laſt Place, whoſe conjoin'd Power, compar'd with the reſt, hath in the principal Affairs of the Common-wealth always been the greateſt; of whoſe Beginning even Truth it ſelf doubtfully wavereth. A certain learned Author ſaith, *Quod Reges cum plures haberent filios, nec omnes Reges poſſe fieri (quod Regnum dividi nequeat) proſpicerent, ampla cuique dabant Caſtra cum juriſdictione & imperio; unde Barones dicerentur, id eſt, Filii aliis excelſiores.* Some will have the Word *Baro* to have been

derived

derived from the *Greek* Word Βαρὺς, ſignifying Grave or Weighty. Others again ſuppoſe them to have been originally Generals or Leaders of Nations and People, diſperſedly roaming and ſtraggling up and down without any certain reſting Places, after the Empire was fallen into decay, who equally dividing the Lands, by Force or Leave by them gotten, did as it were by a tutelar Law govern the People, holding of them in Fealty, and ſubject to every one of their Juriſdictions, either with a mere Sovereignty apart as Monarchs, or under ſome other common Prince. Hence *Baldus* calls a Man of greateſt, middle, and meaneſt Authority and Command, *Baronem*, or a *Baron*: But they who in Power and Authority, were in a Manner alike and equal, were before in *Latin* called *Pares Homines*, (or like Men) but by the *French* and *Italians* (ſpeaking more contractly) *Par-hommes* and *Par-buomini*, and therefore they might (ſaith he) be called *Baroni* and *Barons*; for with a more free Pronunciation, they in their Words eaſily admit *b* for *p*, and to give more Credit to this Matter, he addeth thereto to the Force of divers Languages. For thoſe whom the *French* from the Beginning called Barons, we in the ſame Senſe in antient Time call'd *Thayni*, and in *Engliſh* at this Day, Lords; whom the *Germans* by a Circumlocution more properly call *Free-heren*, (1) which with us, truly ſignifieth Free Lords, *i. e.* Lords having free Juriſdiction and Territories. But from whence this very Word Lord (2) is ſprung, (which is not ſo much peculiar to Barons, as to all Noblemen in general) remaineth yet doubtful.

But

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(1) *Free-heren.*] *Barons* or *Frey-heren* of the Empire are principally ſuch as poſſeſs Territories and Juriſdictions from the Emperor, together with the Dignity of a *Baron* or *Frey-heren*, which Title is alſo, as thoſe of moſt other Dignities, communicated ſometimes to ſuch as have no Juriſdictions or Territories. But that is accidental, only, and proceeds from ſome ſpecial Deſcent, Grant or Cuſtom. For regularly and originally both Juriſdiction and Territory are eſſential to them. Yet by Reaſon of ſuch Barons without Territory, *Barones* (ſaith *Paurmeiſter*, Cap. 10. Sect. 31.) *in genere definio Proceres proximo, poſt Comites, Nobilitatis gradu Ornatos*; and ſo he defines them without any particular Relation to their Territories and Juriſdiction. But *Baldus* makes the Territories and Juriſdiction chief Parts of the Dignity; for he ſaith that a Baron is one that hath *merum mixtumq; imperium in aliquo Caſtro, Oppidove, Conceſſione Principis*, which is but, as if he had ſaid, a Baron is one that hath a Territory leſs than a *Count* or *Grave*, and without the Title of *Count* or *Grave*, but with Juriſdiction in it, both for Civil and Criminal Cauſes: whence it is alſo, that this Dignity in regard of the Nature of it (which comes ſo near to an ordinary *Grave* or *Count*) tho' it differs in Name, is by ſome Lawyers of good Note (as

Paurmeiſter, who uſes the Teſtimonies of thoſe *Feudiſts*, *Zaſius*, *Scenchius*, and *Rothenſal*; and *Beſoldus*, and others) in the Empire reputed, as that of a *Grave* or *Count*. But altho' theſe ſo, almoſt confound *Barons* of the Empire with *Counts*, which is a Dignity ſuperior to them; yet others not only ſeparate them from *Counts*, as having a much leſs Territory, and wanting the Inveſtiture of *Graffe-ſchaffts* and the Title of *Graves* (and in theſe Caſes, the Title makes the diſtinction) but alſo diſtinguiſh them into ſeveral Kinds among themſelves. Some make Six Kinds of them, and give them their ſeveral Names.

The Firſt they call *Freyen*, which is as much as *Liberi* or Freemen. The Second *Frey-herren* or *Liberi Domini*. The Third *Semper Freyen*, or *Semper Liberi*, which is given to thoſe that are the Special four Barons of the Empire. The Fourth *Herren* or *Domini*, or Lords. The Fifth *Edlen Herren*, or *Nobiles Domini*. The Sixth is only *Edlen* or *Nobiles*, as *Edlevon-over-furſt*, for the Baron of *Over-furſt*, and ſometimes *Edle* after the mention of the Barony. Others make two Kinds only; the one of *Free-herren*, Simply ſo call'd, by which they ſay, are underſtood Barons, that have their Baronies, conſiſting of *Fiefs*, or held in *Feudal Right*; the other of *Semper-Freyen*, that are ſuch (they ſay) that have *Fiefs* held under them, but hold not their *Baronies* as *Fiefs*. And ſome would have three Kinds of them, *Semper-Freyen*; *Free-heeren*, and *Heeren*: That of *Semper-Freyen* they find in the Special four Barons of the Empire. And for *Heeren*, abſolutely diſtinguiſh'd from *Freyen* or *Frey-herren*, they find them ſo in ſome Ordinances of the Empire, where *Churfurſten*, *Furſten*, *Graven*, *Freyen*, and *Herren* are reckon'd with ſuch a Diſtinction between *Freyen* and *Herren*. But I ſee ſome great Lawyers of the Empire, that carefully examine theſe Diſtinctions, allow none of them, as they may any way conduce to the making ſeveral Ranks among the Barons. Thus they take rather the Name of *Freyen*, *Frey-herren*, *Edlen*, *Herren* and *Edlen*, for indifferent Words that denote them. And obſerve by the way, that the Word *Baron* is not uſ'd in *High-Germany*, ſaving when they expreſs their *Frey-heren* in *Latin*. But in *High-Dutch* they call a *Baron* by ſome of thoſe other Names always, tho' in *Low-Dutch* the Word *Baron* be ſometimes uſed. But, *ego Baronum genera nulla eſſe arbitror* (ſaith *Paurmeiſter*) *&* *quocunq; nomine Semper-Freyen, Frey-herren, Freyen, Edle Heren, vel ſingulariter Heren, Edle vel die Edle appellantur, Nobilitate ac Dignitate pares eſſe: Omnes enim generali vocabulo Heeren, comprehenduntur; ut perpetuo habet Decretorum Comitiorum ſubſcriptio, Vonder Graven und Heeren Wegen, i. e.* by the Aſſent and Authority of the *Graves* and *Barons*; ſo that all Barons of the Empire, immediately to the Emperor, are of ſome Rank, and are known alſo indifferently by all thoſe Names, ſaving that of *Semper-Frey-heren*, which belongs only to thoſe more Eminent Four; who, it ſeems, have it not as a Diſtinction of their Rank, from the Rank of other Barons; but only to denote their Antiquity in the Rank of Barons, tho' others would draw the Original of that Title from the ſolemn Words of *Semper ingenuus exiſtat*, or the like in old Manumiſſions, as if thence afterward, that Name had been left on ſuch as were made Barons antiently in the Empire; but I ſee not ground enough for that Conjecture; and as *Heeren* is a common Name for *German Barons*, ſo is *Heerſchafft* for a *Barony*. (Selden's *Tit. Hon.* Part 2, Chap 1, Page 353, 354. Sect. 51.)

(2) *Lord*] According to my Promiſe, I here preſent the Reader with the true and genuine Etymology of the Word Lord, taken out of Verſtegan's *Reſtitution of decay'd Intelligence*, whoſe Authority I account *Sterling*; I find (ſaith he) that our Anceſtors us'd for Lord, the Name *Laford*, which (as it ſhould ſeem) for ſome aſpiration in the Pronouncing, they wrote *Hlaford* and *Hlafurd*. Afterwards it grew to be written *Loverd*, and by receiving like Abridgement as other our antient Appellations have done, it is in one Syllable become *Lord*. To deliver therefore the true Etymology, the Reader ſhall underſtand, that albeit, we have our Name of Bread from *Breod* as our Anceſtors were wont to call it, yet us'd they alſo, and that moſt commonly, to call Bread by the Name of *Hlaf*, from whence we now only retain the Name of the Form or Faſhion, wherein Bread is uſually made, calling it a Loaf, whereas Loaf coming of *Hlaf* or *Laf*, is rightly alſo Bread it ſelf, and was not of our Anceſtors taken for the Form only, as now we uſe it.

Now it was uſual in long fore-going Ages, that ſuch as were endued with great Wealth and Means above others, were chiefly renown'd (eſpecially in thoſe *Northern* Regions) for their Houſe-keeping, and good Hoſpitality, that is for being able, and uſing to feed and ſuſtain many Men, and therefore were they particularly honour'd with the Name and Title of *Hlaford*, which is as much as to ſay, an Afforder of *Laf*, that is a Bread-giver, intending (as it ſeemeth) by Bread, the Suſtenance of Man; that being the Subſtance of our Food, the moſt agreeable to Nature, and that, which in our daily Pray'rs we eſpecially deſire at the Hands of God; and if we duly obſerve it, we ſhall find that our Nobility of *England*, which generally do bear the Name of Lord, have always, and as it were of a ſucceſſive Cuſtom (rightly according unto that honourable Name) maintain'd and fed more People, to wit, of their Servants, Retainers, Dependants, Tenants, as alſo the Poor, than the Nobility of any Country in the Continent, which ſurely is a Thing very honourable and laudable, and moſt well befitting Noblemen, and right noble Minds.

Lord, *Dominus* is a Word of Honour with us; and is diverſly us'd; ſometimes attributed to a Man noble by Birth or Creation, and are otherwiſe call'd Lords of Parliament; ſometimes to thoſe who be ſo call'd by the Courteſie of *England*, as all the Sons of a Duke, or the eldeſt Son of an Earl; ſometimes to Men honourable by Office, as Lord Chief Juſtice, *&c.* And ſometimes to a mean Man that hath Fee, and ſo conſequently the Homage of Tenants within his Mannor. (Cowel's *Interp.*)

Out of the ſame Author the Word Lady, as a conſequent Title of Lord, hath its Derivation. He ſpeaks of it thus, *viz.* The Name or Title of Lady (our honourable Appellation generally for all Principal Women) extendeth ſo far, as that it not only mounteth up from the Wife of the Knight to the Wife of the King, but remaineth to ſome Women, whoſe Husbands are not Knights; ſuch as having been Lord-Mayors are afterwards only call'd Maſters, as namely the Aldermen of *York*. It was antiently written *Hleafdian* or *Leafdian*, from whence it came to be *Lafdy*; and laſtly Lady. I have ſhew'd here laſt before (ſaith *Verſtegan*) how *Hlaf* or *Laf* was ſometimes our Name of Bread, as alſo the Reaſon, why our noble and principal Men came to be honoured in the Name of *Laford*, which is Lord; and even the like in Correſpondence of Reaſon muſt appear in this Name of *Leafdian*, the Feminine of *Laford*; the firſt Syllable whereof being antiently written *Hleaf* and not *Hlaf*, muſt not therefore alienate it from the like Nature and Senſe; for that only ſeemeth to have been the Feminine Sound, and we ſee that of *Leafdian* we have not retain'd *Leady* but Lady; well then, both *Hlaf* and *Hleaf*, we muſt here underſtand to ſignifie one Thing, which is *Bread*, *Dian* is as much as to ſay as to ſerve, and ſo *Leafdian* is a Bread-ſerver; whereby it appeareth, that as the *Laford* did allow Food and Suſtenance, ſo the *Leafdian* did ſee it ſerv'd and diſpos'd to the Gueſts. And our antient, and yet continu'd Cuſtom, that our Ladies and Gentlewomen do uſe to carve and ſerve their Gueſts at the Table, which in other Countries is altogether ſtrange and unuſual, doth for Proof hereof well accord, and correſpond with this our antient and honourable Feminine Appellation. (*Reſtitution of decay'd Intelligence.*)

(1) *Probus*]

But foraſmuch as 'tis Cuſtom to call all Dukes, Marqueſſes, Earls, and Viſcounts (and ſome of the greateſt Officers, and Magiſtrates of the Kingdom alſo, tho' they be not Barons) after the manner of Barons, Lords; ſome will have it to be a Primitive and Original Word of itſelf, ſprung out of the *Saxon* Word *Hlaford*, which is interpreted Lord. Others alſo ſuſpect it to have been a derivative Word, and to have been firſt brought out of *Burgundy*; it being manifeſt that the Emperor *Probus* (1) ſent the *Burgundians* (2) (after he had conquer'd them) into *Britain*; who having here ſeated and ſettled themſelves, did the *Romans* great Service if at any time Rebellion did ariſe, or was ſtirred up againſt them. And in that Place they call it *Allodium* (3), which ſignifieth free, and diſcharg'd from all Homage and Service; and ſuch Sort of Poſſeſſors and Owners are even at this Day call'd *Allodij*, whom we, reſting almoſt upon the ſame Reaſons, do in *Engliſh* call Lords.

Contrary

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(1) *Probus (Marcus Aurelius Valerius)* became a *Roman* Emperor, tho' but Son to a Peaſant of *Dalmatia*: He was choſen (according to *Tacitus*) by the Army, that was then in the Eaſt in 276. He was famous for his Victories, for in *Gaul* he defeated 400000 *Germans*; afterwards bravely overcame the *Sarmatians* in *Illyrium*, and the *Goths* in *Thrace*. *Bonoſus* & *Proculus*, who had revolted from him, were alſo defeated by him, as well as *Saturninus*. His Prudence and Conduct made him generally belov'd, and there were great Things expected from his Government; but he was kill'd baſely at laſt in 282. by his Soldiers, who were incens'd againſt him, becauſe he kept them cloſe under Military Diſcipline, and for fear of being disbanded, when this Prince had ſubdued all the Enemies of the Empire, after he had Reigned ſix Years and four Months.

(2) *Burgundians*] The People, who eſtabliſh'd the Kingdom of lower *Burgundy*, (a Province in *France*, and now a Dutchy,) in the Time of *Honorius*, came from old *Germany*. The *French* pretend, that they are of a *Gauliſh* Original, Subjects and Allies to the *Autunois*, and that the latter having made Peace with the *Senonois*, the *Bur-*

Burgundians, who feared their Reſentment, being not comprehended, withdrew into *Germany* with their Families, where they joyn'd with the *Vandals*. *Pliny* makes the *Burgundians* one of the five principal Branches of the People of *Germany*. There are five Tribes (ſays he) or Diviſions of the *Germans*; *inter Cateros, Vindili quorum Pars Burgundiones*. Thoſe, which he calls *Vindili* are the *Vandals*; but their Tallneſs, which commonly was ſeven Foot (according to the Teſtimony of *Sidonius Apollinaris*) their Cuſtoms and Religion, ſhew rather, that they came out of the *North*, as well as the *Goths*, *Alands*, and *Lombards*. They lodg'd in Tents, which they joyn'd together, the better to be in a way of making a Body, when it was requiſite to take Arms; and call'd theſe Kind of Aſſemblies *Burgi*, whence is come the Name of *Burgundy* and *Burgundiones*. Their Religion was like unto that of other *Northern* Nations. They had ſeveral Prieſts, but the Head and Principal of them all was diſtinguiſh'd by the Name of *Siniſte*, which was a Title of Honour. He was perpetual, and the People had an extraordinary Reſpect and Conſideration for him. They receiv'd the Chriſtian Faith about the Year 430.

Now for *Verſtegan*'s Authority in this matter. The *Germans* (ſaith he) after they were mightily encreas'd in their ample and ſpacious Country of *Germany*, repleniſhing every Quarter and Part thereof, it could not be otherwiſe, ſeeing to all Nations and Countries the like is, and hath been common, but that the Inhabitants in one Part of the Country, by ſome Name or other, muſt be diſtinguiſh'd from thoſe of another Part or Province, and that upon ſundry different Occaſions and Reaſons, as upon Diviſions of Governments among themſelves, upon the Nature and Condition of the Soil, wherein they liv'd upon ſome Cuſtom or Faſhion, which ſome affected more than others, or of the Names of ſuch great Men or Commanders, as ſome might lean unto and follow, whereof divers like Examples in other Nations are alſo to be found. *Strabo*, *Cornelius Tacitus*, *Ptolomey*, and others do ſet down the Names of ſundry Sorts of People among them; but both they and other Foreign Authors may eaſily therein have err'd: I mean in the true Orthography; for we ordinarily ſee that almoſt no Strangers do Name other People or Places juſt as the People themſelves do; being Strangers unto them; and therefore the ancient *German* Names being by *Latin* or other Authors ſtrain'd and drawn unto their Orthography, according to their Fancies, from their very own Nature, hath made them afterward to be the more hard to be diſcover'd; nevertheleſs, it ſhould ſeem by ſome nearneſs, that the latiniz'd Appellations do carry unto ſome *Teutonick* Appellations, that the Name of *Iſtevones*, is drawn from the Name of *Outereſtwoners*, *i. e.* ſuch as dwell moſt outward. And *Ingevones*, ſeemeth to be *Innerwoners*, *i. e.* inward Dwellers. *Burgundiones* (our Word here) ſeems rightly to have been named *Bourg-woners*, *i. e.* ſuch as dwell in Bourghs, or fenc'd Places, *&c.*

(3) *Allodium.*] They who write of the Feuds, define *Allodium* to be every Man's own Land, &c. which he poſſeſſeth merely in his own Right, without Acknowledgment of any Service, or Payment of any Rent to another; and this is a Property in the higheſt Degree.

(1) *Leudis*,

Contrary to theſe *Allodii* or Lords, are the *Leudes* or *Leudi* (1) as ſubject to the *Allodii*; whereof perhaps the Word *Laird* (2) is uſed amongſt the *Scots*, who with them is a Gentleman of the better Sort, but inferior in Degree to a Baron, whom they with us alſo call a Lord.

But

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(1) *Leudis, alias Leudus, & Leodis*] *Vaſſallus, Cliens, Homo Ligeus, ſeu Feudalis. V. Goldaſt. ad Burchar. cap.* 8. *pag.* 216.) *vox utraque ex eadem Radice (eo) dipthongo Saxonico in (eu) verſo ut in Feudum pro Feodum.* Leob *Sax.*

Sax. Plebem & Populum ſignificat. etiam ſubditum & ſervum. ſic in Homiliis Saxonicis Leodſcip, *pro Servitute. Hinc* Gallis, Leude *pro Vaſſallo, & quem nos Tenentem dicimus. Germanicis* Leute: *Anglis veteribus* Loute, *pro Serviente & ſubdito*; Louten *pro ſubmittere, & conquiniſcere; unde id Chauceri, (viz.)*

> He could not religiouſly *Che Loute, &c.*
> *Non potuit more Religioſorum Conquiniſcere.*

Leudes *apud* Gallos, *liberi ſunt, aut ſerviles, vernacule* Leudes *Francs, &* Leudes Serfs. *Hi rei Ruſticæ aſcripti, tributa pendunt & Opera ſervilia, illi ad Militiam deſignati, nobiles habentur & immunes a Tributis.*

Pro Baronibus, Leudes igitur generaliter dicuntur de omnibus Regni ſubditis, ſpecialiter de vaſſalibus prædialibus, tam Servilibus, quam Foedalibus & nobilibus, inter Nobiles reſtrictius adhuc de Vaſſallis illis Regiis, quos Barones vocant. & hac quidem ſignificatione frequentius veniunt in Hiſtoriis, ſed ab aliis vix ſæpe decernendi. Greg. Turonenſ. Hiſt. Lib. 3. *Cap.* 23. *Theodbertus Rex a Leudibus ſuis defenſatus eſt; & in Regno ſtabilitus. Idem, lib.*8. *cap.*9. *Credo (inquit Rex) alicujus ex quod Leudibus noſtris ſit Filius, nam ſi de ſtirpe noſtra fuiſſet, ad me utiq; fuiſſet deportatus. Aimoinus lib.* 3. *cap.* 80. *fuit autem Guntrannus in Bonitate præcipuus - - - - Chriſti Sacerdotibus ſe Humilem præbens, Leudis ſuis Benevolum, Gentibus externis pacatum. Lex Burgund. in Additamento.* 1. *Ca.* 1. *Sect.* 14. *aperte diſtinguit Leudes a reliquis ſubditis. Cum enim de Omnibus caverit Burgundionibus in genere, particulariter adjecit, Leudes vero ſi hoc præſumpſerit facere - - - - ſolvas, &c. non male igitur Hieronymus Bignonius, Vir Doctiſ. ad Marculfi. Lib.* 1. *Formul.* 40 *Leudes (inquit) apud Gregorium Turonenſem ii dicuntur, qui Fideles Regis ſunt, & qui nulli præterquam Principi Obnoxii ſunt, quos ſequens Ætas Barones dixit. Citat huc inter alia ex Appendice Gregorii, cap.* 54. *Chlotharius cum Proceribus & Leudibus Burgundiæ, Trecaſſinis conjungitur. Et (quod notat, Leudes Baronum nomine comprehendere) cap.* 41. *Burgundici Barones vero* *tam Epiſcopi quàm cæteri Leudes timentes Brunchilden, &c. Dubito tamen an hac loca (& ſimilia) de illo Leudum genere ſolummodo ſint intelligenda, qui Barones & Fideles Regis (viz. ob acceptum Beneficium) dicebantur: Erant hi quippe Regni Proceres quos ab aliis quibuſdam Leudibus, ſecernere videtur Author Appendicis; cenſeo a Leudibus nihil de Rege percipientibus. Tale enim fuiſſe genus aperte indicat Wiſigothor. Lib. 4. Tit. 5. l. 5. quod ſi inter Leudes, quicunque nec Regiis Beneficiis aliquid fuerit conſecutus. Leudes igitur alias reperio*

Pro ſubditis & Vaſſallis in Genere: Cujus Gregorius Turon. vocabuli (perinde ac non tum in uſu) nuſquam, ſi recte meminerim, mentionem fecit. Sic autem Appendix. cap. 56. Dagobertus univerſos Leudes quos regebat in Auſtria, jubet in exercitu promovere. Item cap. 58. Tanto timore Pontifices, Proceres in Burgundia conſiſtentes, ſeu & cæteros Leudes, adventus Dagoberti concuſſerat. Et mox cum Lingonas civitatem veniſſet, tantâ in univerſis Leudibus ſuis, tam ſublimibus, quam pauperibus judicabat juſtitiâ, ut crederetur omnino fuiſſe Deo placabile, &c.

Pro Laico, populari & illiterato. Leges Aluredi MSS. Tit. de Sanctimonialibus. Siquis Nunnam cauſa fornicationis in veſtes aut in ſinum comprehendat; ſit hoc duplo emendabile, ſicut ante ſimpliciter de Laica decrevimus: Codex Saxon. cap. 18. hic pro Laica legit belæpedum, de laicis. Append. Greg. Turon. cap. 1. Guntheramnus, Rex Francorum ----- cum Sacerdotibus utiq; Sacerdotis inſtar ſe oſtendebat, & cum Leudis erat aptiſſimus. Idem hic ſupra Aimoinus. lib. 3. cap. 80. & Chaucerus noſter, viz.

Bleſſed be the leud Man,
That nought ſave his Belief can.

Beatus pol Vir ille Laicus
Qui Fidei tantum Symbolum callet.

Gloſſ. Sax Læpeꝺman, *laicus medulla Gram. MS. laicus, ca, cum, lewede, & popularis. Etiam promptuarium vetus Anglo-Latin. Lewede, illiteratus, laicus inſcius, ignarus: Et juxta Catbolicon, incipiens.* Lewdneſs of Clergy

illitera-

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illiteratura, ignorantia, &c. *tantum abeſt ut leudis idem ſit quod fides, leudes, idem quod Gall. leaux, ut quibuſdam viſum.*

Pro nequam & improbo. Sic nos hodie ſolummodo utimur. Leudis etiam leodis, & leudum dicuntur de capitis æſtimatione leudis occiſi: Scil. de compoſitione quam aliter Weram & Wergildum vocant. vid. hæc. Formul incerti Authoris (poſt Marculf) cap. 23. ſic ab ipſis viris fuit judicatum; ut illam leudem ſolvere deberet. mox nec de ipſa leude - - - - repetitiones agere. Longobard. Lib. 1. Tit. 9. l. 28. - - - - componat (Fredum Regis. i. e. 60. Sol.) et inſuper compoſitio ipſa fiat de ipſo homicidio, cui legibus leudum ipſum pertinuit. Sæpe in L. Salica, Friſon, &c.

Leudum prāterea dicitur (ut Feudum) pro terra quam leudis a Domino accepit in leudiſamium, ſeu ſervitium leudis. Quod vide (Spelm. Gloſſ.)

(2) *Laird.*] *Cambden* (ſpeaking of the Degrees of *Scotland* in his *Britannia*) places thoſe, who are called *Lairds*, and commonly without any Addition, Barons, in the ſecond Place amongſt the Nobles of a lower Degree, amongſt whom none were anciently reckoned, but ſuch as held immediately of the King Lands in *Capite*, and had the *Jus Furcarum*, *i. e.* Power to hang, *&c.*

Selden (in that Part of his Titles of Honour, which particularly relates to *Scotland*) mentions theſe *Lairds* or Barons. But for their Barons; (ſaith he) the firſt mention I find of this Title, is the Laws attributed to King *Malcolm Makenneth*, or the ſecond of that Name; *Dominus Rex Malcolmus dedit & diſtribuit totam terram Regni Scotiæ Omnibus ſuis; & nihil ſibi retinuit niſi Regiam Dignitatem & montem placiti in Villa de Scone, i. e.* the mute Hill of *Scone*; *& ibi omnes Barones conceſſerunt ſibi Wardam & relevium de Hærede cujuſcunq; Baronis defuncti ad ſuſtentationem Domini Regis.* And to theſe Barons with Juriſdiction he granted (ſaith *Hector Boetius*) *Foſſam & Furcam, i. e.* Pit and Gallows (whereupon as Mr. *Skene* tells us) in *Scotland*, he is called *ane Baronne quha haldis* his Lands immediately in Chief of the King, and has Power of Pit and Gallows, and *Infangthefe* and *Outfangthefe.*

The Meaning of the Words *Infangtheſe* and *Outfangtheſe* is this, *viz. Infangtheſe*, *Hinfantheſe*, or *Infangtheof*, is compounded of three *Saxon* Words, 1. The Præpoſition *In.* 2. *Fang* or *Fong*, to Take or Catch: And 3. *Theſe*, a Robber: It ſignifieth a Privilege or Liberty granted unto Lands of certain Manors, to judge any Thief taken within their Fee, (*Bracton*, *Lib.* 3. *Tract.* 2. *Cap.* 35. ſaith) *Dicitur* Infangtheſe *latro captus in terra alicujus de hominibus ſuis propriis, ſeiſitus latrocinio.* In the Laws of King *Edward* the Confeſſor, ſet out by Mr. *Lambert*, *cap.* 26. you have it thus deſcribed, Infangtheſe *juſticia cognoſcentis latronis ſua eſt, de homine ſuo, ſi captus fuerit ſuper terram ſuam; Illi vero qui non habent has Conſuetudines coram juſticia Regia rectum faciant in Hundredis, &c.* The Definition hereof, ſee alſo in *Britton. fol.* 90. *& Rog. Hoveden, part. poſter. ſuor. Annal. fol.* 345. And *Skene de verb. ſignif.* who writeth of it at large, reciting Diverſity of Opinions, touching this, and *Outfangtheſe. Fleta, lib.* 1. *cap.* 47. ſays, *Infangtheſe*, (for ſo he writes it,) *Dicitur latro Captus in alicujus terra ſeiſitus aliquo latrocinio de ſuis propriis Hominibus. Anno* 1 and 2 *Ph. & M. cap.* 15. *Outfangtheſe* is thus defin'd by *Bracton Lib.* 3. *Tract.* 2. *Cap.* 35. Utfangtheſe *dicitur latro extraneus, veniens aliunde de Terra aliena, & qui captus fuit in terra ipſius qui tales habet libertates.* But *Britton* hath it otherwiſe, *Fol.* 90. It is a compound of three *Saxon* Words, *viz. Out*, *Extra*, *Fang Capio vel Captus &* Theſe, *Fur*: It is us'd in Common Law for a Liberty or Privilege, whereby a Lord is enabled to call any Man dwelling within his own Fee, and taken for Felony in any other Place, and to Judge him in his own Court, (*Raſtall*'s Expoſition of Words, and 1 & 2 *Ph. & M. Cap.* 15.)

Now after this Digreſſion (which I hope will not be thought impertinent by the Reader, who has a nice Taſte, and is well affected to theſe Curioſities) to return to *Selden.*

But *generaliter* (ſaith he, *i. e. Hector Boetius* before mentioned), *in hoc Regno* Barones *dicuntur, qui tenent terras ſuas de Rege per Servitium militare per albam firmam, per Feudi firmam vel cum Furca & Foſſa. Et nonnun-*

quam

But be the Etymologies of the Name what they will, and let Men think of them as they pleaſe, it is generally agreed, that *Free-heren* or Lords (call them which you will) have in all Places lived as free-born Men and of great Eſteem, and were the ſame whom *Cæſar* call'd *Regulos* in *France*, where even now ſome of the moſt old and antient Barons, are reported and re-

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quam generaliter accipitur pro quolibet Domino proprietario rei immobilis. So that all ſuch Tenants to the King have the general Name of Barons, as our Lords of Mannors have alſo. And it ſeems, They all were wont to come to the Parliament of *Scotland*, until by an Act under King *James* the Firſt, in 1427. it was ordained that two Commiſſaries of every Shire, ſhould be choſen by the ſmall Barons, and ſent (as the Uſe is), in like Sort almoſt as the Knights of the Shire to the Parliaments in *England*. But the diſtinct Honorary Title of Baron was, and is only due to ſuch as were Barons of the Parliament or Banrents, as they call them. In the ſame Act of King *James* the Firſt, all Biſhops, Abbots, Priors, Dukes, Earls, Lords of Parliament, and *Banrents*, the which by the King will be received, are ſummoned to Council and Parliament by his Special Precept. The Reaſon of their Title of *Banrent* appears out of the Solemnities us'd at their Creation of a Baron. But ſaith (*Skene de verb. Signif. verb. Banrent*) it is manifed by the Act of King *James* the Firſt before cited, that a *Banrent* is a Kind of Eſtate, greater and more honourable than Barons, becauſe every *Banrent* is by that Act to be ſummoned to Parliament; but not every Baron. It is true, I think that *Banrent* is of more Dignity than Baron, as Baron in its larger Signification than Baron of Parliament, extends alſo to thoſe ſmall Barons or *Lairds* that are excluded by that Act.

(1) *Courts*;

puted by a certain Right of their Baronies, to contend for Precedence with the new Earls. But how full of Authority and Dignity the Name of Baron and of a Baronage is, will very plainly and eaſily appear, if either we reſpect the Antiquity thereof, as thoſe who in antient Time had hereditary Juriſdiction annexed to their Honour and Dignity, and whereof we at this Day retain a Shadow in our Lords Courts, commonly call'd Courts-Baron. (1)

Or

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(1) *Courts-Baron.*] *Curia Baronis*, is a Court that every Lord of a Manor (which in ancient Times were call'd Barons) hath within his own Precincts. Of this Court, and of a Court-Leet, you may read at large in *Kitchin*, who hath writ a whole Book of them. *Coke* 4 *Report*, among his Copyhold Caſes, *Fol.* 26. 6. ſaith, that this Court is two-fold; as if a Man having a Manor in a Town, do grant the Inheritance of the Copyholders, thereunto belonging, to another, this Grantee may keep a Court for the Cuſtomary Tenants, and accept Surrenders to the Uſe of others, and make both Admittances and Grants. The other Court is of Freeholders, which is properly call'd the Court-Baron, wherein the Suitors, *i. e.* the Freeholders, be Judges, whereas of the other, the Lord, or his Steward is Judge. (*Cowel's Interp.*)

(1) *Par-*

Or look into the moſt honourable and venerable Privilege, which they have in the chiefeſt Aſſemblies of the Kingdom; for all Dukes, Marqueſſes, Earls and Viſcounts, have their Seats with the Barons, in the higheſt and moſt Auguſt Aſſembly of the Kingdom, *i. e.* in Parliament (1), only by the Name of their Baronies, inſomuch that the greateſt Duke ſitting in Parliament (altho' he be plac'd according to the Preheminence of his Degree) holds his Place only by Reaſon of his Barony; nor is the Privilege of ſitting there, for any other Reaſon granted now to our Archbiſhops (2) and Biſhops, (as formerly it was to ſome Abbots, and others of the like Sort), but becauſe they have the Poſſeſſion and Dignity of ſome Baronage or Barony, annex'd and join'd to their Biſhopricks. Nay, the eldeſt Son of a Duke, tho' he be commonly called an Earl, as alſo the eldeſt Son of an Earl, tho' by the Flattery of Cuſtom, and in Reſpect of his Blood, he be call'd in *Latin*, *Dynaſta* or *Dominus*, in *French*, *Signeur*, and in *Engliſh*, a Lord; yet if we conſider the Force of the Law, they are not to be number'd either amongſt the Earls or Barons, but only to be counted Eſquires (3); nor can they challenge any Voice or Suffrage in the Parliaments of the Kingdom, ſo long as their Fathers live. However we have it often in Experience, I confeſs, that whenever the King ſhall ſee the eldeſt Son or Heir of a Duke, Marqueſs, or Earl, duly qualify'd by Wiſdom and Age, and worthy to be preſent at ſo great Aſſemblies as Parliaments; he promotes him to the Height of that Honour, and by a Writ of Summons (as they term it) his Father being yet alive, according to the Name and Stile (if he be the Son of a Duke) of his Barony; or if he be the Son of a Marqueſs, or of an Earl, by the Name whereof he was before call'd, and whereof he was Heir Apparent, and with which his Father alſo was before inveſted. This, I ſay, ſometimes is done, and may be done by the Favour only of the Prince, whoſe Prerogative herein is ſo indeterminate, as that he may promote to Honours, and admit into Parliament whom he pleaſeth, many Examples whereof are extant upon Record.

For

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(1) *Parliament.*] *Parliamentum*, deduced from a *French* Ground, (*viz.*) *Parler*, to ſpeak, and *Ment*, the Mind, is the Greateſt, and by far the moſt Honourable of all the Tribunals or Courts of Juſtice in *England*. It is indeed a ſolemn Conference of all the States of the Kingdom, ſummon'd together by the King's ſole Authority, to treat of the weighty Affairs of the Realm: And the Writ which ſummons it, ſays, *ad conſulendum*, &c. *de Arduis Regni negotiis*. The antient *Brittons* had no ſuch Aſſemblies. That the *Saxons* had ſomething like it, may appear from the Laws of King *Ina*, who flouriſhed, *Anno* 712.

712. and they called it *Wittenage-mote*, *i. e.* an Aſſembly of wiſe Men. The *Latin* Writers of that and the next Age, call it *Commune Concilium*, *Curia Altiſſima*, *Generale Placitum*, *Curia Magna*, *Magnatum Conventus*, *Præſentia Regis*, *Prælatorum Procerumq; Collectorum*, *Commune totius Regni Concilium*, &c. And as *Livy* calls the General Council of *Ætolia*, *Panetolium*, ſo this of ours may be termed very properly *Pananglium*, conſiſting of the King and the three Eſtates of the Realm, *viz.* the Lords Spiritual, the Lords Temporal, and the Commons, (who there repreſent the Body of the Nation) for the debating of Matters touching the Commonwealth, eſpecially the making and altering of Laws. This Court is not held at certain ſet Times, but is call'd and diſſolv'd at the King's Pleaſure, which is a Prerogative of the Crown. To Sum up all, take what my Lord *Coke* (in *Lib.* 2. *Cap.* 10. *Sect.* 164. on *Littleton*, and in the fourth Part of his *Inſtitutes*) ſaith of this Court, *viz.* *Si vetuſtatem ſpectes, eſt Antiquiſſima, ſi Dignitatem, eſt Honoratiſſima, ſi juriſdictionem, eſt capaciſſima.*

(2) *Archbiſhops.*] All the Archbiſhops and Biſhops of *England* have been founded by the Kings, and do hold of them *per Baroniam*, and have been all called by Writ to Parliament, and are Lords of Parliament: And the Biſhops of *Wales* are alſo called by Writ to Parliament, and are Lords of Parliament as Biſhops of *England.* (*Co. Inſtit.* 1. *Fol.* 97.)

Again, every Archbiſhoprick and Biſhoprick in *England* are of the Kings Foundation, and holden of the King *per Baroniam*; and in this Right the Archbiſhops and Biſhops, and ſuch of the Abbots, &c. as held *per Baroniam*, and called by Writ to Parliament, were Lords of Parliament; and this is a Right of great Honour that the Church, *viz.* the Archbiſhops and Biſhops now have, &c. (*Co. Inſtit.* 2. *Pag.* 3.)

(3) *Eſquires.*] The Sons of all the Peers and Lords of Parliament, in the Life of their Fathers, are in Law Eſquires, and are ſo to be named, (*Co. Inſtit.* 2. upon *Stat.* 1. *H.* 5. *Cap.* 5. of Additions) *Selden* ſaith, (*Tit. Hon. Part.* 2. *Chap.* 5. *Pag* 636. *Sect.* 32.) we add here, that the

For we rightly acknowledge no Barons, but thoſe whom the King's Royal Majeſty hath firſt by his Charter created, or elſe the Parliaments Preheminence and Dignity deſigned; who ſo called and once admitted, and in Parliament plac'd (1), are ever after to be held and accounted Barons, and to be reckoned amongſt the Nobility of the Baronage of *England*: Nor doth it any where appear, that any of them were afterwards rejected or degraded (2), except by chance their Poſſeſſions were ſo far diminiſhed, as that they were by no Means able to maintain ſo great an Honour. For as in antient Time, the *Roman* Senators, who had waſted their Senators Subſtance, were out of Senate removed; even ſo I ſay, ſuch are either of their own Accord to abſtain from coming

into

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the eldeſt Sons of Dukes in *England* in their Fathers Lifetime, are ſtil'd by the Titles of their Fathers Earldoms; and thoſe of Marqueſſes and Earls by their Fathers Baronies or Viſcounties, and are ſo called Lords; as alſo other Sons of Dukes and Marqueſſes are called Lords, my Lord being prefix'd to their Chriſtian or Surnames. But they have theſe Titles by the Courteſy only or *Curialitas* of the Kingdom, and by Reaſon of their Fathers being in ſo eminent Dignity, they enjoy theſe Stiles: But they are not indeed Barons of the Kingdom, nor Peers or *Proceres Regni*, becauſe they have not by that Right only, Place and Voice in Parliament.

(1) In

into the upper Houſe of our Parliaments, or elſe (I may ſay perhaps) are not admitted to ſit there, tho' they for ever ſtill retain the Stile and Name of their Barony.

And theſe be they whom we acknowledge to be named Nobility, whereof the Barons are the moſt honourable, reſembling the antient Form of a Reverend *Roman* Father, regiſter'd to be one of the Council of State, and of the Senatorian Dignity, and with us, gives an Entrance to all the higher Degrees of Honour, as did that amongſt the antient *Romans*. At firſt it was for a certain Space given to none, but thoſe who for their Martial Prowefs were renowned; to whom alſo the Enſign (3) of a Barony was given, as was the Right of wearing a Gold Ring granted to the *Roman* Gentlemen: But afterwards not only they, whom Martial Deeds had recommended, but even they alſo, whom their Nobility of Birth, their Manners, Fortune or Wiſdom, had at Home ennobled, were wont by the Kings Writ of Summons to be call'd forth to the high Aſſembly of Parliament (4). And at length King *Henry* VI. brought in the Faſhion to create ſome by this Name, by Vertue of his Royal Charter: The Form whereof, together with that other of calling by Writ of Summons

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mons to the Parliament, may be ſeen at large in ſeveral Books of Heraldry; to which I here for Brevity ſake refer the Reader.

Now

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(1) *In Parliament plac'd.*] If a Man be call'd by Writ to the Parliament, and the Writ is deliver'd unto him, and he dieth before he cometh and ſits in Parliament, whether was he a Baron or no? And it is to be anſwer'd, that he was no Baron, for the Direction and Delivery of the Writ to him, doth not make him Noble; for the better Underſtanding whereof, ſee the Words of the Writ: And this Writ hath no Operation or Effect until he ſit in Parliament, and thereby his Blood is enobled to him, and his Heirs lineal, and thereupon a Baron is called a Peer of Parliament. And if Iſſue be joined in any Action, whether he be a Baron, &c. or no, it ſhall not be tried by Jury, but by the Record of Parliament, which could not appear unleſs he were of the Parliament.

Therefore a Duke, Earl, &c. of another Kingdom are not to be ſued by thoſe Names here, for that they are not Peers of our Parliament; and albeit the Creation by Writ is the antienter, yet the Creation by Letters Patents is the ſurer. For he may be ſufficiently created by Letters Patents and made Noble, albeit he never ſit in Parliament. (*Co. Inſtit.* 1. *Fol.* 16.)

(2) *Degraded.*) *George Nevil*, Duke of *Bedford* was Degraded for want of an Eſtate to ſupport his Dignity, by a particular Act of Parliament, made at *Weſtminſter*, the 16th of *Jan. An.* 17. *Ed.* 4. which Act after the recital of the Erection and making the ſaid *George*, Duke, expreſſeth the Cauſe of his Degradation in the Words following, *viz.*

And for-aſ-much as it is openly known, that the ſaid *George* hath not, nor by Inheritance may have any Livelihood to ſupport the ſame Name, Eſtate, and Dignity, or any Name of Eſtate, as oftentimes it is ſeen, that when any Lord is call'd to high Eſtate, and have not livelihood convenient to ſupport the ſame Dignity, it induceth great Poverty and Indigence, and cauſeth oftentimes great Extortion, Imbracery and Maintenance to be had, to the great trouble of all ſuch Countries, where ſuch Eſtate ſhall happen to be Inhabited. *Wherefore the King* (now comes the Enacting Clauſe) *by the Advice of his Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, Ordaineth, Eſtabliſheth, and Enacteth, that from henceforth the ſame Erection and Making of the ſame Duke, and all the Names of Dignity to the ſaid* George *or to* John Nevil, *his Father, be from henceforth void and of none effect*, &c.

(3) Enſign; Theſe which are Earls and Barons have Offices and Duties annex'd to their Dignities of great Truſt and Confidence, for 2 purpoſes,

1ſt. *Ad Conſulendum tempore Pacis.*

2d. *Ad defendendum Regem & Patriam tempore belli.*

And prudent Antiquity hath given unto them 2 Enſigns to reſemble and put them in Mind of their Duties. For,

1ſt. They have a long and Honourable Robe of Scarlet, reſembling Council; in reſpect whereof they are accounted in Law, *De magno Concilio Regni.*

2d. They are Girt with a Sword, that they ſhould be ever ready to Defend their King and Country. (*Co. Inſtit. 2. Pag.* 5)

(4) Parliament.) This is the moſt antient Method of Creating of Barons; and is by *Cambden* (in his *Britt.*) originally referr'd to King *Henry* the 3d.

This Writ then ran (*hac vice tantum*) which making the Eſtate of Nobility to be but Caſual, and to depend intirely upon the Prince's Pleaſure, Men ſought a more certain Hold, and obtain'd of the King Letters Patents to ſettle ſuch Honour upon them and their Heirs Males; and theſe were intituled Barons by Patent or Creation, whoſe Poſterity be now by Inheritance and true Deſcent of Nobility

Now as to the manner of reſtoring renew'd Nobility, before loſt, I ſhall not dwell long upon it; but after a ſlight touch, paſs over to that Political Nobility, which reſteth chiefly upon the Cuſtoms of Nations.

Such as have by their own or others Fault loſt their Honourable Stiles and Titles, are wont to have the ſame, by Petitions exhibited to the King in full Parliament, reſtor'd; which I would have to be a Confirmation of renew'd or reſtor'd Nobility. Whereof the Requeſt of *Margaret*, Daughter to *George* Duke of *Clarence* (1) in Parliament, in the firſt Year of

King

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bility thoſe Barons, that be call'd Lords of Parliament, whom the King may Create at his Pleaſure; yet nevertheleſs there are Barons by Writ, as well as by Letters Patents, who are nam'd by their Baronies. Theſe Barons, which were firſt made by Writ, may now juſtly be call'd Barons by Preſcription; for that they have continu'd Barons by themſelves and their Anceſtors, beyond the Memory of Man. Barons, by Letters Patents or Creation (ſay our Antiquaries) commenc'd in the time of *Richard* the 2d; and none (according to Sir *Tho. Smith*) were created Barons in *England*, but they, who could diſpend 1000 *l. per Annum*, or at leaſt a 1000 *Marks*. So that there be 4 Kinds of Barons. 1ſt, By Writ; 2d, By Letters Patents; 3d, By Charter; and 4th, By Tenure; *viz.* the Biſhops of the Land; all whom (as I a little before hinted) by vertue of Baronies annex'd to their Biſhopricks, have always had place in the upper Houſe of Parliament, and are term'd Lords Spiritual.

(1) *Clarence*

King *Henry* the 8th (2) (to omit others) may ſerve for Example; whereby ſhe is reſtor'd to the Stile, State, Name, Title, Honour and Dignity of the Counteſs of *Salisbury*; from which *Edward* her Brother, Earl thereof, had by his Guilt fallen. The Petition itſelf is longer than is neceſſary to be Inſerted; it is in *Engliſh* extant in the Records, and is ſhut up with theſe Words, *viz.*

> Which Petition being Read, and to the full Underſtood, and Conſented unto by our ſaid Lord the King, by the Advice and Aſſent of the Lords Spiritual and Temporal, and of the Commonalty in the aforeſaid Parliament being; and alſo by the Authority of the ſame Parliament, it was unto the ſame Petition thus Anſwer'd.

Soit faict come il eſt deſire;
Be it done according as it is requeſted.

CHAP.

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(1) *Clarence.*] *Clare*, *Clarence*, *Lat.* *Clarentia*, a Country-Villiage in the County of *Suffolk*, about 6 Miles *Weſt* of *Sudbury*, upon the River *Stour*, which divides *Eſſex* from *Suffolk*; it had once a Caſtle, but now ruin'd, yet Famous for the great Men, who have bore the Titles of Earles and Dukes of it; the laſt of which was *George*,

Duke of *Clarence*, Brother to *Edward* the 4th, King of *England*, who in 1421 was drown'd in a Butt of *Malmſey*. The 2d King at Arms retains the Sur-name of *Clarencieux*, as appertaining formerly to the Dukes of *Clarence*.

(2) *Henry* the 8th, Heir to both the Houſes of *York* and *Lancaſter*, ſucceeded *Anno.* 1509, being about 18 Years of Age. He reign'd about 38 Years, and greateſt part thereof with much Applauſe. But at laſt he began to be Arbitrary and Severe; and Pleaſure and Paſſion had ſuch an aſcendant over him, that they obſcur'd his Vertues, and ſtain'd his former Glory. Then his Reign became unhappy to his Queens, fatal to his Favourites, uneaſy to his People, and cruel both to rigid *Papiſts*, and Anti-*Papiſts*. His firſt warlike Attempt was upon King *Lewis* the 12, from whom he took *Terouane* and *Tournay*, in which *Maximilian* the Emperor ſerv'd under *Henry*. This Breach with *France* naturally drew on a War with the *Scots*, who were utterly routed at the Battle of *Flodden* Field, and their King (*James* the 4th) Slain. After this, the Emperor *Charles* the 5th, and *Francis*, the firſt King of *France*, Warring one againſt another, ſought after our King's Friendſhip with great Emulation. Firſt he ſtruck in with the Emperor, who came twice over in Perſon into *England*; but Cardinal *Woolſey* brought him over at laſt to the *French* Intereſt; inſomuch that the two Kings had ſeveral Interviews near *Calais*, with great Pomp and Splendour; where they contracted a Perſonal Love to an unuſual Degree betwixt Crown'd Heads. No Prince perhaps was ever fonder of a Conjugal Life, but none more greedy of Change. He had 6 Wives, *viz.* *Catherine* of *Spain*, *Ann Bullen*, *Jane Seymour*, *Anne* of *Cleve*, *Catherine Howard*, and *Catherine Parr*. Two of them he Divorc'd; *viz.* *Catherine* of *Spain*, and *Anne* of *Cleve*; the firſt as an inceſtuous Match, being the Widow of *Arthur* his elder Brother; the laſt for ſome Natural Defects: Two he publickly Beheaded, *viz.* *Ann Bullen* for pretended, and *Catherine Howard* for real Adultery. In his Reign the Reformation (by a ſtrange but kind Providence) began in this Kingdom, Improv'd in *Edward* the 6th's, and was happily ſettled in Queen *Elizabeth*'s Reign. The Alterations in the Church in this King's Reign occaſion'd

ſion'd two notable Rebellions, both in the Year 1536, the one in *Lincolnſhire*, and the other in *Yorkſhire*; but they were ſoon ſuppreſs'd. In *Ireland* alſo there broke out a Rebellion, which prov'd fatal to the Earl of *Kildare*, and almoſt to that whole Family. Memorable is the Riſe and Fall of this King's great Favourites and Miniſters of State, *Woolſey* and *Cromwell*; the firſt a Butcher's, the laſt a poor Smith's Son. *Woolſey* fell under the King's Diſpleaſure about his firſt Divorce, and prevented a publick by a natural Death; but *Cromwel* fell under the Axe, ſoon after the King had made him Earl of *Eſſex*. The Learned Sir *Tho. Moor*, who had ſucceeded the Cardinal in his Chancellourſhip of *England*, and *John Fiſher*, Biſhop of *Rocheſter*, were alſo Beheaded for denying the King's Supremacy (then declar'd). The King before he fell off from the Pope (the Occaſion of which Breach with his Holy Father was, *viz.* for his Marriage with *Catherine* of *Spain*, he had a Diſpenſation from the Pope, which took off the Odium of it; but after 20 Years ſtanding, the King pretended a ſcruple of Conſcience about it; and queſtioning the Validity of the Pope's Diſpenſation, made his ſuit to the Court of *Rome*, to get the Match diſannull'd. No leſs than 6 Years did he ſtruggle for it, till being abus'd with delays, and ſatisfied with the Opinion of moſt Univerſities, and the Learned'ſt Men in *Europe*, about the Legality of a Divorce in his Caſe; he caſt off Queen *Catherine*, and married *Anne Bullen* in Defiance of the Pope. The Conſequence whereof was a Declaration of his former Marriage, by Act of Parliament, to be inceſtuous and void, the Pope's Authority here abrogated, the King declar'd ſupream Head of the Church of *England*, the Diſſolution of Monaſteries, and their Revenues, as well as the firſt Fruits of Benefices, appropriated to the King: whom therefore the Pope Excommunicated with the Kingdom) had writ a Book againſt *Luther*, the great Reformer of the Church in *Germany*: for which Pope *Leo* Honour'd him with the Title of Defender of the Faith, ſince made Hereditary to the King's of *England*, by Act of Parliament.

Wales was, in this King's Reign, Incorporated to *England*, and *Ireland* made a Kingdom. To unite *Scotland* to *England*, a Match was concluded between Prince *Edward*, and *Mary* the young Queen of *Scots*; but afterwards broke off by the Power of the *Hamiltons*, influenc'd by the *French*, which occaſion'd a new War with *France* and *Scotland*, in which the King was ſo ſucceſsful as to take *Boulogne* from the *French*, and to deſtroy with Fire *Leith* and *Endenburgh* in *Scotland*. Laſtly, by this King were Erected 6 new Biſhopricks, *viz. Weſtminſter*, *Oxford*, *Peterborough*, *Briſtol*, *Cheſter*, and *Glouceſter*. All which (except *Weſtminſter*) continue Epiſcopal Sees to this Day. Thus reign'd *Henry* the 8th, the moſt abſolute King that ſway'd the *Engliſh* Scepter ſince *William* the Conqueror; who ſo aw'd his Parliaments, that they durſt not but obſerve his Directions, and comply with his Deſires, who alone had the courage to ſhake off the Pope's Authority, and yet partly remain in the Communion of that Church; for he died as he lived, ſince his Breach with *Rome*, half *Papiſt*, half Reform'd, and yet a Friend to neither Perſwaſion; a reſolute Prince, that neither ſpair'd *Papiſt* nor *Proteſtants*, Hanging the firſt, and Burning the laſt, that would not ſubmit to his Deciſions in Matters of Religion: All the Iſſue he left at his Death, which happen'd *Jan.* 28. 1547, were his three next Succeſſors; *viz. Edward* (the 6th of that Name, an Improver of the Reformation) by *Jane Seymour*; *Mary* (a violent *Papiſt*, who ſpoil'd all *Edward* the 6th had done, in order to propagate the Reformation) by *Catherine* of *Spain*, and *Elizabeth* (of Famous Memory, call'd alſo *Amor Anglia*, who fully ſettled it) by *Anne Bullen*. In this King's Reign the Sweating-Sickneſs, a new ſort of Diſeaſe, began to break out with theſe two ſtrange Properties. 1ſt, That it ſeiz'd the *Engliſh*, not only in *England*, but in all parts beyond Sea, without infecting the Natives; therefore it was call'd in *Latin Sudor Anglicus*. 2dly, That the Contagion faſten'd upon young, ſtrong Conſtitution'd People, whom it diſpatch'd in 24 Hours, and commonly paſs'd by Women, Old Men, and Children (*Speed*, &c.)

(1) *Albert.*]

CHAP.

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